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THE SEAT OF GOVERNMENT OF TEXAS.

ERNEST WILLIAM WINKLER.

II. THE PERMANENT LOCATION OF THE SEAT OF GOVERNMENT.

1. CHOOSING THE SITE.

(1) *Probable Reasons for Dissatisfaction with the Location at the City of Houston.*

The inconvenience and discomforts suffered by the members of the first congress at the adjourned session in the city of Houston, were, perhaps, inevitable, springing as they did from the newness of the location and the recent removal of the government to that place. That these circumstances, however, did not allay but rather foment the discontent occasioned by the selection of the city of Houston is apparent. This dissatisfaction found expression in the progress of the campaign for congressional office during the summer of 1837. In the *Telegraph* for August 9, 1837, appeared a contribution, signed "Many Voters" and dated "Houston, August 9, 1837," in which the candidates of that district for seats in congress were called upon to define their positions upon the "most prominent measures upon which they . . . [would] probably be called to act—the opening of the land office; the division of the county; the location of the seat of government; and the policy of carrying on an offensive war with Mexico."

By the time fixed for the assembling of the second congress, one might reasonably have expected to find removed many of the causes for complaint that had existed during the adjourned session of the first congress. As a matter of fact, however, it seems that those who had undertaken to provide buildings for the accommodation of congress and the executive departments did little or nothing to carry out their promise during the intervening months. Take, for instance, the facts as stated by Secretary of the Treasury Henry Smith, in his letter of October 1, 1837, addressed to the speaker of the house of representatives:

When the Government officers were removed to this point, the proprietors of the Town induced me to believe that I would be furnished with a good office. On my arrival however, I found that none had been provided and I was compelled to occupy a temporary shed, as entirely unfit for an office, as it was unsafe for the security of books and papers. This great inconvenience I submitted to without a murmur, under a promise however, that the evil should be remedied in a few weeks.—Months have elapsed, and instead of being furnished with the anticipated office I am now deprived of the temporary shed. I have called on his Excellency the President who informed me that I should have a room in the purlieus of the Capitol, that the upper rooms were finished and that I was entitled to my privilege in choice. On examination however I found the rooms all occupied and was informed that the President had no control over them as they were intended for the use of the two houses of Congress, and that the rooms composing the wings of the Capitol were intended for the heads of Department. These rooms seem to be yet unfinished and in all probability cannot be occupied for some time to come. Information on various subjects will be expected from this Department by your hon[ora]ble body, which I am anxious to lay before you at as early a period as circumstances will possibly permit, which however cannot be done until I am provided with a suitable office. I therefore ask the favor of your hon[ora]ble body to co-operate with the other house and, if consistent, to assign to my Department some suitable room to occupy where the business of the office can be properly conducted, and the books and papers securely kept.¹

¹Letter filed with Papers of 2 Tex. Cong., 1 Sess., MS., State Department.

The petition of the Secretary of the Treasury was granted by inviting him "to take possession of one of the three rooms, in the second story of the Capitol (occupied for committee rooms), and appropriate the same to the use of the Treasury Department." (*House Journal*, 2 Tex. Cong., 1 and 2 Sess., 32.)

Even that part of the Capitol building occupied by congress was incomplete in its appointments. Information upon this point is supplied by the *House Journal*.¹ For instance, seats were ordered to be placed in the lobby of the house of representatives, September 30, 1837; a sufficient quantity of chairs for the use of the members of the house was ordered October 25; the plastering overhead in the Hall of Representatives being considered unsafe was ordered removed October 19; and a stove was ordered October 24.

Another cause of dissatisfaction may be suggested by the following item from the *Telegraph* for October 11, 1837:

The attention of the mayor and aldermen . . . is respectfully called to the muddy condition of the streets on the level, about the capitol, and the president's house. The comfort and health of the inhabitants and visitors demand that those streets be well drained. . . .

Many Voters.

A third consideration was that of the healthfulness of the place. The *Matagorda Bulletin* for October 25, 1837, published this paragraph:

Persons recently from Houston state that the city presents rather a gloomy appearance and worse in prospect. At the time our informant left there was much sickness, principally fevers—of which there had been cases of yellow conjestive and billious. Every place was said to be crowded, and little or nothing to eat.

Referring to this same period, a writer in the *Telegraph* for July 31, 1839, says:

It will be recollected by the early citizens of this place that instances have been known when three or four dead bodies have been picked up of a morning in the street, and that sickness and death visited almost every family. This, as the general healthiness of the place since has proved, was more owing to the exposed situation of the inhabitants than the unhealthiness of the climate.

Whether the foregoing were all the reasons, or even the chief ones, for dissatisfaction with the city of Houston the evidence available does not permit me to affirm. That dissatisfaction did exist is plain; and it resulted in efforts to fix the location of the seat of government elsewhere and to remove it from Houston before

¹Pp. 20-60. *passim*.

the expiration of the time designated in the act locating temporarily the seat of government at that place.

(2) *The First Commission to Select a Site, October 24—November 20, 1837.*

a. *Origin of the Commission Idea.* The second congress would have assembled in regular session on the first Monday in November, 1837, but President Houston considered a special session necessary, and, accordingly, convened that body to meet September 25, to consider the land law and the eastern boundary line questions. Congress was in no wise restricted to the consideration of these subjects. It was but a few days, therefore, till the seat of government question was raised. On September 28, Mr. Rusk offered a resolution in the house providing,

That a committee of three be appointed by the House, to join such committee, as may be appointed on the part of the Senate, to enquire into the propriety of selecting a site, upon which to locate permanently the seat of government of the Republic.¹

The Senate concurred in the foregoing resolution, and the joint committee reported, October 11, through its chairman, Mr. Rusk: that such site should be selected forthwith, and five commissioners should be chosen by a vote of both Houses, whose duties it shall be to select said site, and that they should receive such propositions for the sale of land as may be made to them; and to make conditional contracts, subject to the ratification or rejection by this Congress, and that they report by the 15th of November; and that in making selections they be confined to the section of country between the Trinity and Guadalupe rivers; and that they select no place over twenty miles north of the upper San Antonio road, nor south of a direct line, running from the Trinity to the Guadalupe River, crossing the Brazos at Fort Bend.²

On the same day that the foregoing report was made the following contribution, under the caption "Removal of the Seat of Government," appeared in the *Telegraph*, a newspaper subscribed for by both houses of congress:³

¹*House Journal*, 2 Tex. Cong., 1 and 2 Sess., 10.

²*Ibid.*, 38, 39.

³*Ibid.*, 13; *Senate Journal*, *ibid.*, 9.

To the members of Congress:—

From recent indications, there can be no doubt that there is a settled purpose among you to act upon this matter at the present session of congress. As it is a measure of the deepest importance, and of no less interest to every citizen of the republic, a few suggestions even from a private source may not be without some beneficial effect upon your legislative action upon the subject. If a proper regard be had in the selection of a beautiful and eligible site in the upper country, as the permanent seat of government, it can doubtless be made the source of bringing a large revenue into the treasury, as it may be safely assumed that the capital of a large empire territory like that of Texas, soon destined to be settled with a dense and enterprising population, will give importance and interest to any place, and at all times make the property valuable; and if early steps are taken in fixing upon the location, a sufficient amount may be very soon realized from the sale of lots to erect the necessary government buildings, and in some sort, even to supply the wants of our suffering navy, a subject which at this time so imperiously demands the attention of Congress. It will be a very easy matter, as the geographical situation of the country is well known to you all, to settle upon the most fit and eligible site nearest the centre of the republic as the permanent seat of government of the republic. Bastrop is represented as having high claims upon the attention of the government, and perhaps a better location could not be made, provided there is an entire relinquishment of all private interest in the four leagues of land which belong to that town. But whatever place may be fixed upon, the government should by all means, make a reservation of at least four or five leagues of land, which could not fail in a few years to be rendered immensely valuable. Perhaps the most suitable plan that could be adopted for the disposition of the property, would be the appointment of five commissioners, well known for their intelligence, honor and integrity, to be vested with discretionary power to lay off the town in blocks of lots of small dimensions, to be determined among themselves, showing due regard to the situation of the capitol, so as to make the property as valuable as possible; and after laying off as many of those small lots as could possibly be made saleable in three years, by public auction at stated periods. they might then be authorized to lay off lots of ten, twenty, thirty, forty and fifty acres, so as to embrace even a half league of land, and the remainder of the land reserved might be laid off into farms and plantations, and disposed of as congress might at a future time determine. If commissioners could be appointed at the present session of congress, the first sale might take place as early as the 1st of March next, and necessary public buildings might be erected so as to be in readiness for the reception of congress at its next

session, should they determine not to hold another session here. And should they authorize the reception of treasury drafts at the sale, it would be the means of taking in a large quantity of that paper, which together with the enactment of laws making it receivable in all government dues, would immediately give an enhanced value to the paper, and in a short time make it good dollar for dollar, and made to answer all the purposes of a regular circulating medium. So seriously impressed am I, with the conviction that if a judicious selection of a site for the permanent seat of government is now made, it cannot fail to attract the attention of capitalists and men of all descriptions of business, and thus be made the means of realizing a handsome income to the government, that I hope and trust [the subject] will receive the early and considerate attention of congress.

A Citizen.

b. *The Duties of the Commissioners.* What the duties of the commissioners were to be was suggested in the report of the joint committee and in the article that appeared in the *Telegraph* cited above. A joint resolution, embodying the essentials of these recommendations, passed the senate on October 14, was concurred in by the house of representatives on the 16th,¹ and approved by the president on the 19th. It read as follows:

Resolved by the senate and house of representatives of the republic of Texas, in Congress assembled, That there shall be elected by joint vote of both houses of congress, five commissioners (any three of whom shall constitute a quorum for the transaction of business) whose duty it shall be forthwith to proceed to select a site for the permanent location of the seat of government of this republic; and that they be required to give public notice of their appointment, and receive such propositions for the sale of lands as may be made to them, not less than one, nor more than six leagues of land; and also examine such places as they may think proper on vacant lands; and that they be authorized to enter into conditional contracts for the purchase of such locations as they may think proper, subject to ratification or rejection by this congress, and that they be required to report to congress, by the 15th November, the different selections, with an accurate and full description of the same, to congress, and that in making the selections, they be confined to the section of country between the Trinity and Guadalupe rivers, and that they select no place over one hundred miles north of the upper San Antonio road, nor south of a direct line

¹*Senate Journal*, 2 Tex. Cong., 1 and 2 Sess., 20, 22.

running from the Trinity to the Guadalupe river, crossing the Brassos at Fort Bend.¹

The five commissioners provided for by the above resolution were elected by joint vote of the two houses on October 24th. Messrs. J. A. Greer, John G. McGehee, Horatio Chriesman, J. W. Bunton, and William Scurlock were chosen.² None of them was a member of congress.

Would "a direct line running from the Trinity to the Guadalupe river, crossing the Brassos at Fort Bend" exclude the city of Houston? The writer of the article that appeared in the *Telegraph*, October 11, which was quoted above, as well as the editor of the *Telegraph* in the article that is quoted below treat the subject as if the city of Houston was barred from consideration; nor does the city of Houston appear as a candidate for the permanent seat of government. The editor of the *Telegraph*, October 14, 1837, says:

Many of the members of congress seem determined to remove the seat of government from this place immediately. We believe the people of Texas have too high a regard for justice, to sanction this measure. The public faith we think is in some degree pledged to retain the seat of government at Houston until the year 1840. Most of the citizens who have purchased lots in this city and erected buildings have considered the act "locating temporarily the seat of government" a secure guarantee that their property here would continue valuable at least three years. The stability of the contracts they have made was wholly based upon that law. We trust therefore that this congress will not be so unjust as rashly to deprive these citizens of what they may properly consider—vested rights.

c. *The Report of the Commissioners.* The commissioners elected to select a site for the permanent seat of government made their report November 20, 1837.³

To the honorable Senate and House of Representatives:

Your Commissioners, to select a site for the permanent location of the Seat of Government, beg leave, *after the time required*, to report to your honorable bodies the result of their examinations.

¹*Laws of the Republic of Texas* [Passed the First and Second Sessions of Second Congress], 4, 5.

²*House Journal*, 2 Tex. Cong., 1 and 2 Sess., 63; *Senate Journal. ibid.*, 33.

³*House Journal, ibid.*, 147, 148.

In doing this your commissioners deem it best to lay before congress as a part of their report all the propositions which have been made, and unnecessary and too tedious [to] go in to a full description of the different situations contained in said propositions; but will only offer a few remarks upon those which in their opinion have the highest claims for a suitable site.

We will first present Bastrop as a site possessing some advantages over any other, such as the best of pine and cedar timber, and other advantages not surpassed having as good water as any other, being located on a navigable stream not more than 110 miles from schooner navigation, surrounded by a fine beautiful country, possessing a location high, dry, and healthy, and having a tract of four leagues appropriated for the town and may be considered public property having a front on the river of one mile and a half, but most of tillable land of the first class is claimed by private individuals on the front league tho there is some good land on the remainder. But this town tract is joined by a fine league fronting on the river above the town which contains a good portion of first rate land and is claimed under an improvement which was made by a person who had drawn his headright, but claims it as the headright of another, with public lands joining the town tract. Could the government secure this league it would be very valuable and add much to the claims of this place.

The site at Washington has certainly some claims being situate on a navigable stream, about 80 miles from schooner navigation and surrounded by a rich and fertile country susceptible of a dense population having an abundance of good water possessing a high dry, and healthy location, with a league of land offered on the terms proposed in the proposition for that place together with a 25 acres for a site for the capitol etc. with some lots.

The situation on the Mound leagues presents itself very forcibly having good water, with an abundance of cedar oak and ash timber at a convenient distance from the sight which is on a high and beautiful prairie with a fine rich country of lands, situate 20 miles West of Washington, 22 from the Colorado, and about 130 from the coast and 90 from schooner navigation. Those three leagues in the proposition of J F Perry with 700 acres of H. Chriesman will make about 15 000 acres and is of the first class of farming lands, joined by 10 or 12 thousand acres of vacant lands, the greatest portion of which is only valuable for its timber, tho there is some good farming lands on it, making in all about 25 000 acres, and will in the opinion of a majority of your commissioners produce a greater revenue than any other situation before your honorable bodies.

There is a site on the East bank of the Colorado river about 35

or 40 miles below Bastrop at the Labahia crossing having a fine quantity of pine and cedar timber at a moderately convenient distance surrounded by a fine healthy rich country, which ought not to be over looked, and your commissioners expected to have received and handed in a proposition, which will probably be handed in by the persons interested in the site. There is in a short distance of the last mentioned place a large quantity of vacant lands.

The sites of San Felipe and Gonzales each having originally four leagues appropriated which may be considered public property have not been over looked, but neither of them being central and in want of good timber do not come under the class having the strongest claims.

Nashville, Tenoxticlan, the falls of the Brazos, and the situation [repre]sented by Henry Austin on the West bank of the Colorado possessing some advantages, do not come under the first class.

A proposition pointing out a site in the neighborhood of the Sulphur Springs, North East of Washington, having good water and timber with a large quantity of vacant lands in its vicinity is expected and may be handed in.

The difficulty of seeing and hearing from persons owning lands in the vicinity of the different situations has rendered it impossible in the time given, to place any proposition fairly before the honorable congress; and your commissioners have no doubt that much more advantageous certain and liberal propositions could have been had if a longer time had been given and this important matter would have been in a much better condition for the action of congress.

J. A. Greer
John G. McGehee
Horatio Chriesman
J. W. Bunton
William Scurlock
Commissioners

Houston, Nov. 20, 1837.¹

¹Seat of Government Papers, MS, in State Library. Following is a summary of the propositions accompanying the report:

Bastrop.—October 21, 1837, the people of Bastrop instructed their senator and representatives in congress to relinquish to the government the unappropriated part of the town tract containing about three leagues and three quarters, and to transfer all moneys due on the sale of the town lots heretofore made, amounting to about \$7000. November 20, 1837, the citizens of Mina county authorized John G. McGehee to pledge in addition to the foregoing two and one-fourth leagues of land, or five thousand dollars.

Washington.—November 15, 1837, the Washington Town company made the following offer, which because of its importance is here given in full: "At a meeting of the proprietors of the Town of Washington held on the 15th of November A D 1837 on motion of John W Hall it was unani-

This report was referred to a select joint committee, composed of five members from each house.¹

The preference manifested for central, and even western Texas, as the proper place for the permanent location of the seat of government is noteworthy. It is, therefore, the more remarkable to find the following protest against the contemplated action of congress:

I have just reached this place from the far west where I reside and where it is difficult for myself and neighbors to acquire information in relation to the political operations of this government. It would be useless for me here to state that the citizens of the west have been the greatest sufferers in the war between Texas and Mexico. . . . Our only hope was in the protection of a munificent and just government, . . . I find instead of an eye to the interest of all, that local feelings and prejudices prevail, and at a time when the whole west is to a considerable extent depopulated.

mously resolved that Asa Hoxey president of the board of proprietors be fully authorized to make to the commissioners (appointed by Congress for the purpose of locating the Seat of Government) such propositions as he in his judgment may think best to secure the Seat of Government in said Town

"To Capt Criesman, Col Buntin, Capt Skerlock, John McGee and J. A. Greer Esqrs.

"Gentlemen

"Under and by virtue of the resolution of the proprietors of the Town of Washington and above set forth, I would beg leave to make the following proposition with the view of getting the Seat of Government located in the Town of Washington viz I feel myself fully authorized by virtue of the resolution of the proprietors of the Town aforesaid and hereunto appended and do hereby propose to the Government through you to execute to the Government good and sufficient titles to one League of Land contiguous to the Town of Washington, for which you or the Government or any person or persons authorized by said Government may affix the price or value and the terms on which the payments shall be made, One-half of the Land thus offered is situated on the East side of the Brazos river and separated from said Town only by said river and is as is well known to you of the most valuable description both for its timber and for farming purposes, the other half is immediately adjoining said Town and from that circumstance renders it equally if not more valuable than the other half. It is further proposed to allow the Government (and the proprietors will execute good and sufficient titles to the same) any number of lots requisite for the purpose of erecting the capitol and a sufficient number of buildings for the officers of Government to be selected from any of the undisposed lots in said Town to be entirely gratuitous and without charge to the Government. It will be recollected that you were pleased with what you supposed to be an eligible site on John W Halls Land (adjoining the Town tract) for the Capitol and the necessary buildings for the officers of Government, I am fully authorized by Capt Hall to say

¹*House Journal*, 2 Tex. Cong., 1 and 2 Sess., 147, 149.

we find members of congress attempting to entail the west a seat of government forever. Would it not be well for the gentlemen to reflect upon the probable result of such a measure? Would not the west in after days deny the right to thus bind them, and if the seat of government should be located and individuals invest in purchasing property, and a subsequent congress choose to remove the seat of government, would it not have a tendency to destroy faith? I trust that members of congress will consider maturely before they legislate to the prejudice of every part of this community. I do not object to moving the seat of government, but I do most sincerely object to any pledge on the part of this government that the seat of government shall remain at any place forever. First, because it is unjust in its operation—secondly, because I do not think that congress has the right to do so.

Very respectfully, your obedient servant,

A Western Citizen.

Houston, November 23rd, 1837.¹

that if you or the Government prefer that situation to any other within the corporate limits of said Town that it is at the disposal of Government free from all charge and that Capt Hall is ready to execute to the Government [a deed] to a sufficient quantity of Land to meet the wants of Government as above set forth, I wish it to be distinctly understood that this proposition is made expressly with the view to the capitol being erected either within the corporate limits of said Town or on the land of the said John W Hall above referred to and which if not acceded to by the Government then this proposition is to be regarded as not having been made and is to be withdrawn In making this proposition permit me most respectfully to suggest to the Government through you the many advantages that would accrue to the Government should this proposition be acceded to and the Seat of Government be located in the Town of Washington. I take it for granted that in selecting a suitable situation, due regard is to be had to the health of the location, the capability of the contiguous country supporting the Town by its own product, so that in case of exigency it may be independent of foreign supplies, the geographical centre of the country, the means of communication with the coast and the frontier settlements, the safety from invasion by the enemy and of a consequence the safety of the public documents, its contiguity to a navigable stream, the facilities of building and a variety of other considerations which will naturally suggest themselves to you.

"I would with proper deference to your judgment suggest that the Town of Washington presents all the advantages herein enumerated In the first place, it affords an abundance of good well and spring water and contains a population of about Four hundred inhabitants, it was laid out as a town in the Spring of 1835 and there have been but fifteen persons buried in the Town during all that time not one of whom died with fever, and for the truth of this assertion I refer you to the statement of Dr. William S. [the actual signature shows P. instead of S.] Smith hereunto appended In the second place, you must be perfectly satisfied from your own observation that there is no County in the Republic that will admit of more close farming than Washington and that

¹*Telegraph*, December 6, 1837.

(3) *The Second Commission to Select a Site, December 14, 1837, to April 14, 1838.*

a. *Creation and Personnel of the New Commission.* The joint select committee, to which had been referred the report of the first commission, reported on November 28, 1837, that

they had had the subject under consideration, and had come to the determination to recommend that a joint committee of both houses be appointed to visit, in the recess of Congress, the different places proposed for the seat of government, and other places, as may be proposed, and report fully thereon in the early part of the first meeting of Congress after the adjournment.¹

Accordingly, the following joint resolution was passed by congress and approved by President Houston:

there is no section of the Republic populating so fast or yielding more rapidly to the industry of the farmer which is abundantly shewn not only by your own observation but by the vote taken at the last election for members of Congress, which I think was the largest taken in any County of the Republic, In the third place you will be easily convinced by reference to the Map of the Country that Washington is the most central point of the now inhabited part of the Republic or that will be populated for a long time to come In the fourth place, communications can be received at Washington in Twenty-four hours from the coast, and in Forty-eight hours from the remotest frontier settlements, The fifth proposition [as to safety from invasion; see latter part of preceding paragraph] I pass over as self-evident. In the sixth place, Washington is beautifully situated on the right bank of the Brazos river opposite to the mouth of the Navisota and is evidently at the head of navigation (there being a series of obstacles in the river beginning a few miles above the Town). It is true that no Steam Boat has as yet ascended the river as far as Washington, but I am induced to believe from what information I have been able to collect and from what has come under my own immediate observation that it has been owing more to the perturbed situation of the Country than from any obstacle to [be] met with in the river and think that I may with safety and confidence state that when the Country becomes more tranquil the enterprise of her citizens will overcome the difficulties (if there be any) in navigating the river and that the day is near at hand when the communication by Steam Boat navigation between the Town of Washington and the mouth of the river will be certain and direct. In the seventh place, there is now being erected in the Town two good Saw Mills and the adjacent country affords an abundance of suitable building timber and there is now in full operation a large brick yard and I am informed that stone lime in any quantity can be procured a few miles up the river, and in the immediate vicinity of the Town may be had a vast quantity of fine sand stone suitable either for chimneys or buildings, thus affording all the facilities of building.

"With these few observations I respectfully submit this proposition for your consideration, with the full assurance that you will do that which

¹*House Journal*, 2 Tex. Cong., 1 and 2 Sess., 192.

Sec. 1. *Resolved*, By the senate and house of representatives of the republic of Texas, in congress assembled, That they will elect a joint committee of five, two from the senate and three from the house of representatives, to be elected by their different houses, to whom shall be referred all propositions for the location of a permanent seat of government, that the said committee be instructed forthwith after the adjournment of congress, to repair to that section of country in which it is proposed to locate the seat of government, and examine, and make plots of the different places proposed as proper for the seat of government, and to visit and examine such other places as may be proposed for the seat of government, and prepare plots and descriptions of all such place[s] with the conditions on which they can be had by the government, and report thereon on the first Monday of the next meeting of congress.

in your best judgment will bring about the end for which you were appointed

“Respectfully,
“Your obt. Servt

“Asa Hoxey
“President Washington Company

“Washington 15 Nov 1837”

Mound League.—November 14, 1837, James F Perry offered to sell to the government the Mound league and adjoining leagues at \$1.50 cash per acre. November 20, 1837, Horatio Chriesman offered to donate four labors of land adjoining the Mound league. (Old Gay Hill in Washington county was located on the Mound League.)

Nashville.—November 20, 1837, T. J. Chambers offered to relinquish three-quarters of a league and half the town lots of Nashville, on condition that he be permitted to locate an equal quantity of land elsewhere. S. C. Robertson offered to relinquish one-half league just below Chambers' land on similar terms. Mr. Thompson offered to relinquish one-half of the league just below Robertson's on similar terms. Mr. Chambers suggested the name of “Texia” for the seat of government.

Tenoxtitlan.—R. Barr offered to relinquish one-half of the league on which Tenoxtitlan is situated,—also two leagues of land lying on the west side of the Brazos at the mouth of Cow Bayou.

Falls of the Brazos.—T. J. Chambers offered to relinquish one league of land adjoining the town tract.

Henry Austin offered to place at the disposal of the government five leagues of land fronting on the west bank of the Colorado River, 8 miles above Columbus, on condition that the seat of government remain there from 1840 till 1850 and that he receive about forty-five per cent of the proceeds of the sales of all lots.

Sulphur Springs.—Situate 15 miles N. E. of Washington, 32 miles S. W. of Cincinnati, and 62 miles N. W. of Houston. J. S. Black and others offered 5500 acres of land.

J. H. Money offered to donate 1666 acres of land situate on the head waters of the New Years creek, on condition that the seat of government be located on the said 1666 acres.

F. Niebling and — Gregg (the name not clearly written) offered to relinquish certain portions of their land fronting on the Colorado river, provided they were permitted to select like quantities elsewhere.

Sec. 2. *And be it further resolved*, That said committee, shall receive the same pay as if in actual session of congress, for the time they are serving on said committee,¹ and they are hereby instructed to make contracts on the most favorable terms they can, subject in all cases to the ratification or rejection of congress.

Sec. 3. *And be it further resolved*, That the said committee shall have power to make reservation of all vacant lands which may be situated within nine miles of any point which the committee may think proper to designate as suitable locations for the seat of government, and due notice or said reservation shall be forthwith given in at least three public newspapers, and no county surveyor shall survey any land in the said reservation, until after said reservation shall be relinquished by congress; *Provided*, that it shall not be lawful for said committee, to make such reservations in more than five different places.²

The recommendation of the joint select committee and the action of congress in adopting this recommendation harmonize with the opinion of the members of the first commission. They stated in the concluding paragraph of their report that they were confident that "much more advantageous certain and liberal propositions could have been had if a longer time had been given." The joint resolution, in a certain sense, therefore, is simply an extension of time granted the commissioners. However, a new commission composed of five members of congress was selected to continue the work; more explicit directions were given to guide them in the performance of their task; and greater precautions were taken to safeguard the public interest. There was no change in the limits of the territory to which the commissioners were restricted.

Patrick C. Jack of Brazoria, George Sutherland of Jackson, and P. O. Lumpkin of Houston county, were selected by the house of representatives; and G. W. Barnett of Washington and Emory Raines of Shelby and Sabine were chosen by the senate³ as members of the joint committee of five. Congress adjourned December 19, 1837, to meet on the second Monday in April following.

¹This congress also passed a joint resolution, granting the members of the first commission five dollars per day while in the discharge of that duty.—*Laws of the Republic of Texas* [Passed at First and Second Sessions of Second Congress], 41.

²*Laws of the Republic of Texas* [Passed at First and Second Sessions of Second Congress], 60, 61.

³*House Journal*, 2 Tex. Cong., 1 and 2 Sess., 285.

b. Report of the Commissioners. The act of congress creating the second commission provides that "said committee be instructed forthwith after the adjournment of congress, to repair to that section of country in which it is proposed to locate the seat of government, and examine, and make plots of the different places proposed as proper for the seat of government." The commissioners may have proceeded forthwith, but the following notice suggests that a much more leisurely mode of procedure was adopted:

The commissioners appointed by congress to examine and report to the next extra session a suitable place for the permanent location of the seat of government in pursuance of their duties, will meet at John H. Moore's on the Colorado, on the first Monday in March next, whence they will proceed to examine such sites as may be deemed eligible, and receive proposals for the same. In the meantime, either of the commissioners is authorized to receive written proposals, and submit the same to the board upon their meeting.

By order of the board,

Pat. C. Jack, Chairman.

January 31, 1838.¹

Assuming that the commissioners met at J. H. Moore's, La Grange, on the first Monday in March, which was the 5th of the month, they spent comparatively little time in further investigation before coming to a final decision, for on the 8th of March they concluded a tentative contract with John Eblin for the purchase of his league of land, which bordered John H. Moore's on the south. On the same day the commissioners reserved to the government all the vacant lands lying within a radius of nine miles of a point near the western boundary of Eblin's League. Whether they visited any other points after this, the records at hand do not show.

The adjourned session of the second congress convened at Houston, April 9, 1838. On the 14th, Mr. Sutherland of the joint committee made a report, accompanying the same with sundry documents.² Only those parts of the report relating to Groce's Retreat, Colorado City, and Eblin's League have been found. The last, which is very much the longest, is as follows:

¹*Telegraph*, February 10, 1838.

²*House Journal*, 2 Tex. Cong., 3 Sess., 14.

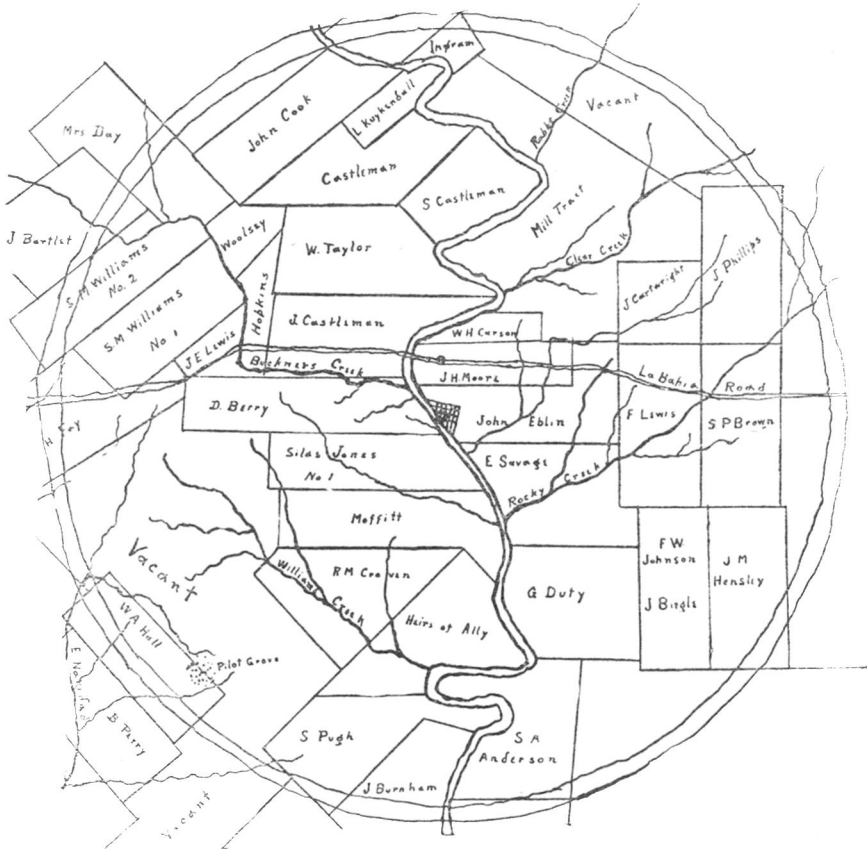
Aprile 15th 1838

The Commissioners to whome by Congress was assigned the duty of examining and repoarting on the various plac[e]s proposed for the permane[n]t location of the site of Government of the Republic of Texas.

beg leave to represent that after much labour being bestowed, the[y] make the following exhibit in the order of their review.

Viz. Bough[t]¹ of John Eblin one League of land situate on the east side of Colerado River, fronting one and a half miles on said River, below the tract on which the Town of Legrange is situate. This League has a high commanding bluff Bank for a mile and a quarter, far above high watter marks, running back with a rich dry, smothe pierara, one mile to the poast oak lands gradually rising throughout. through this survey runs diagonally a Creek of pure and never failing watter. on the Survey are four permane[n]t Springs, with a fare stand of timber oak cedar etc. the whole of this Tract will do for building purposes. Also one other League of land fronting one and a half miles on the west bank of said River and directly opposite the front of the Eblin League from Judge Evins and Majr Brookfield the front of this Survey is perhaps eighty feet above the level of the high lands on the east side. about the center of this survey rises an interesting spring running down a decent, or arm of the bluff to the river, forming a passway to and from without difficulty, thus affording perhaps the best place for a bridge on the River, taking into view the banks timbers and inexhaustable stock of building Rock. three quarters of a mile back commences a high smoth timbered plane running back six miles in all. the extreme west end has some small groves and small prairies interspersed. on this survey there are three other springs said to be permanent, all of which rise seventy or perhaps eighty feet above the lands alluded to thus affording by the construction of a bridge great facilities for water privileges. this Survey has a great stand of timber oak cedar etc. etc. both of which tracts are obtained on the terms contained in the accompanying documents, here submitted, contiguous to this survey is a donation from Thomas H. Boarden for one quarter of a League of land. connected with the two last mentioned Surveys West and Southwest and within nine miles of the center of the Eblin Tract, are three Leagues or perhaps more of excellent vacant soil but

¹The purchase contract bears date of March 8, 1838. Seat of Government Papers, MS.



COMMISSIONERS' PLAT OF EBLIN'S LEAGUE AND THE LANDS ADJOINING.

The circle has a radius of nine miles. The original is in manuscript, and about nine inches in diameter. The above reproduction is from a tracing, except the lettering which in the original is script.

scarce of timber all of which we have reserved for the Government¹ agreeable to the Resolution in that case made and provided. on the East side of the Colorado River and in Rabs pinery the three Rabs donate to the Government one half of a League of land, with a valuable stand of pine oak Cedar etc. East and South of this survey and adjoining we have reserved perhaps a League of land with good timbers, connected with the north end of Eblins Survey.

Jesse H. Cartwright donates to the Government one fourth of a League of land good soil and poastoak timber. John H. Moore donates to the Government ²on the north boundaryline of the Eblin tract with good timber, the connexion of which surveys will be seen by reference to the accompanying plat.³ in Sigh[t] of this place is a chalk bluff said to be of excellent quality, near this is a fine coal pitt, the facility of getting supplies from above by means of the River need no comment. East and South of this place between the Brazos and Colorado Rivers embracing their tributaries, is a country in point of soil grandeur of situations, supply of never failing springs and many farms in a high state of cultivation with tolerable timbers, that but few countryes on Earth can compare with. West so far as San Antonio and farther, the soil and watter are not to be surpassed, the timber tolerable, through all this country the prospect for health appears verry good.

G. W. Barnett

P. O. Lumpkin

George Sutherland⁴

c. Report of the Joint Committee. This report, together with the accompanying documents, was referred to a joint committee. This joint committee was authorized to receive further propositions relative to the permanent location of the seat of government, and was instructed to report by bill or otherwise.⁵ The committee made the following report:—

The Select Joint Committee, to whom were referred all the documents in the nature of propositions from different sections of the country, relating to the removal and location of the Seat of Government, have had the same under consideration; and after comparing all the documents which have come to their hands, your Committee, deeming it to be improper for them to express any opinion to the advantage or disadvantage of any proposition which has

¹See order of the commissioners to the county surveyor of Fayette county, dated March 8, 1838. Seat of Government Papers, MS.

²Blank left for amount of land.

³See plat, p. 201.

⁴Seat of Government Papers, MS.

⁵*House Journal*, 2 Tex. Cong., 3 Sess., 16, 35; *Senate Journal*, *ibid.*, 15.

come before them, have, in consequence, thought proper to condense as much as practicable the different propositions, which are as follows:

Then come several propositions which are here summarized:

A donation of land aggregating 18,015 acres and lying within a radius of thirty miles was offered to the government by those representing the site of Comanche, on the Colorado, eighteen miles above Bastrop.

A donation of 9,510 acres of land was offered the government by those advocating the selection of Groce's Retreat.

In addition to the 8,888 acres embraced in Eblin's and in Brookfield and Evans's leagues, which had been purchased by the commissioners, 28,475 acres, lying within a radius of nine miles of the west end of Eblin's league, were offered to the government as a donation.¹

Henry Austin offered the government a donation of nearly 11,110 acres as an inducement to locate the seat of government on his lands on the Colorado.²

Certain proprietors of lands at Nashville offered to exchange the greater portion of three leagues lying at that place for lands located elsewhere in case Nashville should be selected as the seat of government.

A donation of 8,800 acres of land near the site of Sulphur Springs was offered the government for seat of government purposes.³

The promoters of Colorado City, located two miles above La Grange, offered the government a half interest in the lots and town tract, which contained upwards of 4,000 acres.

Those interested in the site of Richmond offered the government half the town tract, which contained 600 acres, and two leagues of land in the immediate vicinity.

A total of 44,621 acres of land, including four leagues vacant land and the town tract, was offered the government by those favoring the site at Bastrop.⁴

¹Four leagues of this were vacant land, belonging to the Republic.

²For location of Austin's lands, see p. 197, note.

³For location of Sulphur Springs, see *ibid.*

⁴Seat of Government Papers, Printed Report.

Several propositions were made too late to be included in the above report; they were as follows:

1. Henry Austin offered to donate one-half of the proceeds of the in and out lots of Central City, situated on the left bank of the Navasota River, five miles above its confluence with the Brazos.

2. Briscoe and Hall offered to donate one league of land as a site for the seat of government out of the six leagues lying midway between the San Jacinto and Trinity Rivers and immediately west of the Long King's crossing over the Trinity.

3. James F. Perry offered to sell 3 leagues and 8 labors, including the Mound league, at \$2 per acre; also one-half league of land on the Colorado just below Bastrop at \$5 per acre.

A comparison of the foregoing report with that of November 20, 1837, exhibits a remarkable growth in the number and strength of the applications for the seat of government from places located on the Colorado River over those from places situated on or near the Brazos River. In 1837 seven places on or near the Brazos River were mentioned in the report of the commissioners, while only three on the Colorado received notice. In the above report only four places on or near the Brazos receive mention, while five located on the Colorado are named. Most remarkable is the fact that Washington, the strongest candidate on the Brazos, drops out entirely.

d. Eblin's League Selected by Congress as the Site for the Location of the Seat of Government. Two days after the receipt of the report the two houses of congress met in joint session for the purpose of selecting "a site for the permanent location of the seat of government."¹

The vote was taken *viva voce*, and may be tabulated as follows:²

Name of place.	First ballot.			Second ballot.		
	House.	Senate.	Total.	House.	Senate.	Total.
Nashville.....	2	1	3	.....	1	1
Eblin's League.....	14	5	19	20	7	27
Black's Place.....	4	1	5	.....	3	10
Bastrop.....	4	.....	4	1	.....	2
San Felipe.....	1	1	2	.....	.....	.....
Nacogdoches.....	2	3	5	.....	.....	.....
Comanche.....	1	1	2	.....	.....	.....
Mound League.....	1	1	2	.....	.....	.....
Richmond.....	.....	.....	.....	.....	.....	.....
Washington.....	1	.....	1	1	.....	1
Groce's Retreat.....	.....	.....	.....	.....	.....	.....
San Antonio.....	.....	.....	.....	1	.....	1

¹*House Journal*, 2 Tex. Cong., 3 Sess., May 9, 1838, pp. 97, 98; *Senate Journal*, *ibid.*, 52, 53.

²The *House Journal* gives the name of each voter for the several places.

Eblin's League received a majority of the votes; the speaker of the house of representatives, therefore, announced that it was duly chosen as the site for the future location of the seat of government. It will be noted that the majority for Eblin's League was much larger than that by which the city of Houston was selected for the temporary capital.¹

Very little has been found that would indicate the feeling with which the selection of Eblin's League was received by the people; the President's veto perhaps killed the bill too soon to leave much time for comment. Some expressions that have been discovered are as follows:

On Monday last, both houses of Congress met for the purpose of selecting a site for the permanent location of the Seat of Government, and on the second ballot, decided in favor of Eblin's League, on the Colorado river, near La Grange, in the county of Fayette. This is the site selected and recommended by the commissioners appointed by Congress.—*National Banner*, [Houston.]

Our readers will perceive by the above extract that the Seat of Government has been located upon the Colorado River. We commend the wisdom of Congress in approving the site selected by the commissioners. The Colorado is one of the finest streams in Texas, and navigable almost to the mountains. In addition to the superior quality of its lands, it runs through the very heart and centre of the Republic.²

The result of the vote above was embodied in a bill for the permanent location of the seat of government. The bill has not been found. The following are some of the facts in regard to it gathered from the journals:³ the name of the site selected was to be Austin; of the twelve squares reserved for the government, one was intended for the University; and the seat of government was not to be removed from Houston until 1840. An unsuccessful effort was made to add a section to the bill providing

that this act shall not go into operation in any of its parts until after the same shall have been submitted to the people of Texas, at the next general election, for their ratification or approval.

e. President Houston Vetoes the Bill Selecting Eblin's League.

¹THE QUARTERLY, X 165.

²Matagorda Bulletin, May 17, 1838.

³House Journal, 2 Tex. Cong., 3 Sess., 105, 108, 109, 113, 133 and 137; Senate Journal, *ibid.*, 64, 68, 69, 72, and 73.

On May 22, the president vetoed the bill, stating his objections in the following message:

The act locating the seat of government has been submitted to the Executive, who has taken a calm and dispassionate view of the subject. It will be perceived by the law fixing temporarily the seat of government, that it shall be established at the town of Houston, on Buffalo Bayou, until the end of the session of congress, which shall assemble in the year one thousand eight hundred and forty: This would clearly require that at least two elections must take place for members of the house of representatives, and two thirds of the senators will be renewed previous to that time. If these are truths, then it would seem that the law had contemplated the action of the members who, at that time representing Texas as the persons who were to act for the emergency of the time. Many changes must take place in the population and condition of Texas previous to the year 1840, and by that time the people would have an opportunity to give some expression of their wishes and opinions on the subject, if it were submitted to them. Were the present congress to pass a law fixing the seat of government at any one point, the Executive believes that either of the two next succeeding congresses would have it in their power to repeal the law and commence anew. This act of the honorable congress contemplates the expenditure of a larger portion of the public treasure than the Executive would be willing to see subtracted from the treasury at this time: our resources do not seem to justify any course but that of the strictest economy in the government, and this bill would doubtless consume at least one eighth part of the revenue for the current year, while it would leave the subject liable to the action of a subsequent congress; and should the subject be presented to the people, and then their expression ratified by an act of the government, it would be permanently established beyond all ground of doubt or cavil.

Being satisfied of the inexpediency of the measure at this time, the Executive feels himself constrained to return the bill with his reason for not giving his signature to the same.¹

The house of representatives sustained the veto.² The veto message was received so late in the session of congress that, according to the rules of this body, no new business could be introduced without the consent of two-thirds of the members present. Two efforts were made to suspend this rule; both failed, but the measures which it was attempted to bring before the house were spread upon

¹*House Journal*, 2 Tex. Cong., 3 Sess., 162, 163.

²*Ibid.*, 168.

the journals. Mr. Jones, of Brazoria, proposed a bill providing that the president issue his proclamation "to cause the sense of the people to be taken on the subject of locating the seat of government at the city of Austin, the place selected by the committee appointed by congress for that purpose" so that the next congress might act definitely and finally on the subject of the permanent location of the seat of government, and that "all the contracts or reservations made by the said committee be, and they are hereby confirmed, and the sum of \$6,000 appropriated for that purpose, and placed at the disposal of said committee."¹ The bill proposed by Mr. Rusk provided for the appointment by congress of three commissioners who were to select not less than two nor more than four places for the permanent location of the seat of government; one of said places to be east, the other west of the Brazos river; each place to contain not less than four miles square of land, and more if convenient. Said commissioners were to begin work on July 15th next, make provisional contracts, and publish in the newspapers a description of each place selected. The president was to issue his proclamation, directing the voters to designate the place of their choice at the next election. The returns were to be sent in triplicate to the secretary of state, speaker of the house, and president of the senate, and congress was to open and count the vote and declare the place having the highest number the permanent seat of government of the Republic of Texas.²

(4) *The Third Commission to Select a Site, January 14—April 13, 1839.*

a. *The Question of Locating the Seat of Government an Issue in the Campaign of 1838.* The interest centering around the question of the location of the seat of government during the closing days of the session of congress was by the adjournment of that body on May 24, 1838, transferred to the newspapers and the stump; for an election of all the representatives, of one-third the

¹*House Journal*, 2 Tex. Cong., 3 Sess., 170.

²*Ibid.*, 167, 168. For a denunciation of the president's veto of the bill designating Eblin's League as the site of the location of the seat of government, see the presentment of the grand jury of Fayette county, dated October 25, 1839. (Lotto, *Fayette County*, 176.)

senators, and of a president and vice-president was to be held on the first Monday in September. It was the first full fledged national campaign witnessed in Texas. In it there was much that did not rise above mere personalities; yet the best interests of the Republic were not overlooked; a rough platform was constructed which provided remedies for such measures as had proved unpopular and outlined a policy for the upbuilding of Texas in the future. The location of the seat of government west of the Brazos was one of the planks of this platform.¹

It will have been noted that thus far the financial phase of the seat of government question has been most prominent. At Houston the government was obliged to pay a rental of \$5,000 a year for the building occupied. By a judicious selection of some point in the interior, it was anticipated that the government would not only realize sufficient sums from the sale of lots to erect buildings for its own use, but also that at the same time other and more important benefits would accrue to the Republic. For example, T. Jefferson Chambers, in his proposition of Nashville or the Falls of the Brazos, represented that such point should be chosen as was "most convenient to the whole Republic on account of its centrality, both with regard to its population and territorial limits, and which will also extend and protect our frontier by the population that will be naturally attributed to the capital and its neighborhood."²

It was up the valleys of the Brazos and of the Colorado that population was now beginning to spread rapidly. The *Telegraph* for January 13, 1838, reports that

A gentleman who lately arrived from Bastrop, states that immense numbers of emigrants are constantly arriving in that section. He believes that three quarters of the present settlers of the county have arrived since August last.

And the editor of the *Matagorda Bulletin* states in his paper for March 7, 1838, that

Several of our citizens have just returned from the up-country and the far West, where they have been engaged since the opening of the land office, in locating their lands. They bring the most flattering accounts of the emigration which is now pouring into the

¹*Matagorda Bulletin*, August 9, 1838.

²Seat of Government Papers, MS.

interior, with a rapidity altogether unparalleled in the settlement of the country. The new comers we understand are nearly all farmers, and are now making extensive preparations to cultivate the soil. The Colorado, up to the base of the mountains, is alive with the opening of new plantations, and towns and villages seem to be springing up spontaneously along its banks.

Surely this intelligence must be gladdening to the heart of every true and patriotic Texian. To accelerate our already unexampled progress in the high road to prosperity, we desire nothing more than a hardy, industrious and agricultural population: . . . they are the very *backbone* of a nation. . . .

Fear that the current of immigration might be checked had its origin in part in the hostile attitude of Mexico and to a greater extent in the hostility of the Indians along the frontier. "Houston had pursued with the Indians a policy of conciliation, but toward the end of his term, when settlers began to push westward, conflicts became frequent, and cowardly massacres were of common occurrence. As a result, population was still practically restricted to the territory east of the San Antonio road, and while as yet this section was in no danger of strangulation from over-crowding, measures looking toward expansion do not appear to have been unwise. Lamar's aggressiveness was but the natural reaction against Houston's long-suffering forbearance."¹ Rather Lamar's so-called aggressiveness was an attempt to extend to the frontier that degree of protection which would render those regions safe and make them attractive to the immigrant.

The strength of candidates in the West depended upon their favorable attitude toward the subjects of immigration and frontier protection. In advocating the election of M. B. Lamar, the *Mata-gorda Bulletin* for March 28, 1838, says

But above all, the character and qualifications of the next chief magistrate of the Republic of Texas, should be *extensively* and *favourably* known, to the people of the United States. Emigration, which is so earnestly and ardently desired by every good and patriotic citizen, and which alone can hasten the rising greatness of this flourishing republic, will be checked or promoted by the character of the man whom we shall elevate to that distinguished office.

¹*University of Texas Record*, V 153, 154.

And a correspondent of the same paper, writes, in the issue for August 24, 1838, of George Sutherland, candidate from Matagorda for the senate:

He is truly Western in his feelings as well as interest, and therefore, when brought to the test in any great measure, in which the West would be concerned, we would know where to find him and what to depend upon—for instance, the location of the seat of government, and we know that this great question will come up, and be finally disposed of during the next three years. He has no interest in the East, to paralyze his influence and to cool his zeal; his entire interest is West of the Colorado—he was not barely “desirous” to locate the seat of government on the Colorado; and did not manifest a simple anxiety for that location, as has been said of others. But he was most zealous and active during the last session of Congress in obtaining the location of the seat of government at La Grange. To no one member, more than to George Sutherland could be attributed the success which the Western members had in that measure. . . . The Seat of Government will be permanently located during the next two years; and no measure can be so big with consequences to the West, and particularly to the citizens of this Senatorial District as its location on the Colorado. It will promote emigration to the West, thereby giving protection to the frontier settlements, and enhancing the value of our lands. It will also increase most rapidly the settlement of the lands of the Colorado, and of the country west of it, thereby increasing the capital and interest of that section of the country, which will result in important public improvements, increasing the facilities of commerce and trade. . . .

b. *The Act Creating the Third Commission.* The third congress assembled at Houston in regular session on November 5, 1838. On the 15th of the same month Mr. Cullen, of San Augustine, introduced a bill “entitled an act for the permanent location of the seat of government.”¹ Nothing, however, was done till after the inauguration of the new administration on December 10th. The subject was then taken up and a lengthy parliamentary contest followed.² As will be seen by referring to the act, it was proposed to take the matter entirely out of the hands of congress after the passage of this bill and to vest commissioners with the powers necessary to make a final selection of the site. The points most

¹*House Journal*, 3 Tex. Cong., 53.

²*Ibid.*, 145, 196, 200-3, 204-6, 210, 211, 214, 215, 218, 220-229, 232, 292, 297, 331; *Senate Journal*, *ibid.*, 75, 78-80, 82-84.

hotly contested were (1) the limits of the territory within which to locate the seat of government;¹ (2) the right of the commissioners to make a final selection of the site—the majority favoring this method, while the minority contended for a selection of two sites within the proposed limits, leaving the final selection to the people;² and (3) the time of removing from Houston. A decision of this last point was reserved until a later time. The final passage of the act determining the first and second questions was hailed as a distinct victory by the people of the West. On receipt of the news, the *Matagorda Bulletin* said, in its issue of January 19:

We are glad, very glad to hear, at least, that something positive has been done in this matter, as it will no doubt be the means of doing away with the many harassing hopes, doubts and fears, which have constantly been kept afloat since the first agitation of this matter.

President Lamar approved the bill January 14, 1839. That part of the act relating to the creation of a commission and the selection of a site is as follows:

Sec. 1. *Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled,* That there shall be and are hereby created five Commissioners, to be elected, two by the Senate and three by the House of Representatives, whose duty it shall be to select a site for the location of the Seat of Government, and that said site shall be selected at some point between the rivers Trinidad and Colorado, and above the old San Antonio Road.

¹We believe a majority of the members [of congress] are in favor of removing it [the seat of government] from Houston, but great diversity of opinion exists relative to the point at which it shall hereafter be located. Many of the eastern members are desirous that it should be located upon or near the Brazos, and many of the western members prefer the Colorado for the site. The few who desire to retain the seat of government at Houston, thus far appear to hold the balance of power.—*Telegraph*, quoted by the *Matagorda Bulletin*, January 10, 1839.

²And from what quarter, Mr. Speaker, does this cry about the *People* come? Does it come from the East, where much the larest portion of the *People* reside? Does it come from the West? Where does it come from, but from Houston itself. If, Mr. Speaker, the *People* have cried out at all, and they have in a voice which has been heard throughout the whole land, it has been to remove the seat of Government from Houston.—From the speech of Mr. Holmes, delivered December 27, 1838, quoted in the *Matagorda Bulletin*, January 17, 1839.

Sec. 2. *Be it further enacted*, That the name of said site shall be the city of Austin.¹

Sec. 3. *Be it further enacted*, That said commissioners or a majority of them be, and they are hereby required to select, not less than one nor more than four leagues of land for said site, and if the same cannot be obtained upon the public domain, or by individual donation, then and in that case the said commissioners shall purchase the aforesaid quantity of land from any person or persons owning the same: *Provided*, That the price of the land so purchased, shall not exceed three dollars per acre: *And further provided*, That not more than one league shall be purchased at so high a price as three dollars per acre.

Sec. 4. *Be it further enacted*, That if the site selected by said commissioners shall be on individual property, and said commissioners shall not be able to purchase the same as herein before provided, then and in that case they shall be and are hereby authorized and required to make application to the Chief Justice of the county court of the county in which said land may be situated; setting forth by petition the name or names of the owner or owners, where the land lies, giving a full description of the same, and the cause of their application; whereupon it shall be the duty of said Chief Justice to cause the sheriff or other officer of said county to summon six disinterested jurors, living within the county, to be and appear at the court house, on a day to be named by said Chief Justice, within not less than five nor more than fifteen days after said application is made, whose duty it shall be, after taking the requisite oath, to be administered by the Chief Justice, to hear testimony and determine upon the value of said lands; a majority of two thirds of said jurors shall be requisite to a verdict, which verdict shall be returned to the Chief Justice, and shall be final between the parties, and upon which the Chief Justice shall make his decree: *Provided, always*, That the owner or owners of said land shall have at least five days' notice, in the same manner and form as the law provides for defendants in other cases; all of which proceedings shall be recorded in the clerk's office of the county court, and an exemplification of the same given to said commissioners.

Sec. 5. *Be it further enacted*, That the fees of said Chief Justice and sheriff, and that the pay of said jurors shall be the same that the law provides for in other cases for similar services, and that the same shall be paid by the owner or owners of said property, to be collected as in other cases; and that the sheriff of said county shall be and he is hereby authorized and required to make

¹The name City of Austin was adopted by the senate in lieu of that of "City of Texas" which had been adopted by the house of representatives. Austin was the name that had been given to the site on Eblin's League.

to the Republic of Teaxs a deed or title to said land, which shall be recorded as in other cases, and delivered by said sheriff over to said commissioners.

Sec. 6. *Be it further enacted*, That said commissioners shall be notified of their election by the President, that they shall enter into bond with good security of one hundred thousand dollars each, to be approved by the President, payable to him and his successors in office, conditioned for the faithful performance of the duties of their office; that they shall take and subscribe the following oath, which the President shall cause to be administered by an officer authorized to administer the same: that "I, A B, do solemnly swear (or affirm, as the case may be,) that I will faithfully and honestly perform the duties of commissioner for the location of the Seat of Government: That I will keep secret from all and every person whatsoever, all the proceedings, actings, doings, deliberations and intentions of myself and associates, so far as relates to our proceedings as commissioners: That I will, neither directly nor indirectly, neither in my own name nor in the name of another person, neither by myself or agent, nor in connection with any other person, purchase, bargain or contract for any lands, tenements or hereditaments, within this Republic, from this time until my duties as commissioner shall have terminated." That said bond shall be filed in the office of the Secretary of State; that said commissioners shall be authorized to draw a draft or drafts on the Treasurer of the Republic for such sum or sums of money as may be necessary for the payment of the land purchased by them, payable at such time as may be agreed on by the contracting parties; which drafts shall be signed by the commissioners and countersigned by the President; and that said commissioners shall commence their duties from and immediately after the close of the present session of Congress; that they shall discharge all the duties herein required of them; that they shall make a full and complete return and report of all their actings and doings as commissioners, to the President of the Republic, within three months from and after which time they shall be and are hereby forever discharged.

Sec. 7. *Be it further enacted*, That the said commissioners shall be, and are hereby allowed eight dollars per diem, during their term of service, one half of which shall be paid when they commence, and the other half when they close their duties; and that a draft or drafts drawn by the Secretary of State in favor of said commissioners, on the Treasurer, shall be sufficient vouchers and authority for his paying the same.

Sec. 8. *Be it further enacted*, That from and immediately after the election of said commissioners, the Speaker of the House of Representatives shall furnish the President the names of said commissioners.

The foregoing act is remarkable; it vested a few individuals with extraordinary powers and confided to their judgment the settlement of a most perplexing public question. It proved very effectual in the accomplishment of the end for which it was designed. The number of commissioners and the manner of their choice was the same as in the case of the second commission. There is room for doubt whether it was intended that members of congress should serve on the third commission. The expression "that said commissioners shall commence their duties from and immediately after the close of the present session of congress," being similar to the language in the act creating the second commission, together with the precedent set by constituting the second commission exclusively of members of congress, lend some color to the view that members of congress should serve or at least be eligible to serve on this commission. Notwithstanding all this, others contended that members of congress were barred from serving on the commission by constitutional provision. The restriction of the commissioners to that section of country lying between the rivers Trinity and Colorado and above the old San Antonio road can not fail to excite the surprise of every one at all familiar with its primeval condition. The old San Antonio road crossed the Trinity at Robbins Ferry, the Brazos near Tenoxtitlan, and the Colorado at Bastrop; it formed the northern boundary of Austin's colony, the settled portion of central Texas. In January, 1839, there were but a few villages located north of this road; none of them possessed a population of one hundred inhabitants, except perhaps Bastrop; the whole section was exposed to Indian depredations. The measures adopted to secure the public interest were practical and adequate. No other officer of the Republic of Texas was required to give bond in the amount fixed for each commissioner, and it is difficult to see how an oath more explicit and yet more comprehensive could have been devised.

That this act should escape criticism was not to be expected. To follow popular opinion in regard to it fully, one should have perused a file of each of the dozen newspapers published in Texas at that time. The collection available for this work includes only three for the early part of 1839. Until the founding of the *Morning Star*, at Houston, on April 8, 1839, the first daily published

in Texas, the opposition appears to have had no suitable organ to voice their dissatisfaction. This paper contended (1) that the idea of locating the seat of government by commissioners, appointed by congress, "seems to us entirely absurd—the only satisfactory way is to leave it exclusively to the people;"¹ and (2) that the act under which the seat of government was located was unconstitutional, inasmuch as it interfered with a contract previously made—the act locating the seat of government at Houston until 1840.²

c. Election of the Commissioners. The commissioners to select the site for the location of the seat of government were chosen by their respective houses of congress on January 15th³ and 16th.⁴ A. C. Horton, of Matagorda, and I. W. Burton, of Nacogdoches, were chosen by the senate, and William Menifee, of Colorado, Isaac Campbell, of San Augustine, and Louis P. Cooke, of Brazoria, were selected by the house of representatives—two from western, two from eastern, and one from central Texas. These men were all members of congress at the time of their election. The question of eligibility of members of congress to this commission was raised in the senate; a motion was made to the effect that no member of the senate be selected, but the motion was lost by a vote of 3 to 9.⁵ Furthermore, of the nine men nominated in the senate five were non-members, but the election resulted in favor of those being members. In the house of representatives only members were placed in nomination.

On January 18—two days after the election of the commissioners—the reporter of the house of representatives wrote to the editor of the *Matagorda Bulletin*: "It appears to be the general impression here, at present, that the Colorado will be the favored river

¹*Morning Star*, April 12, 1839. This objection might have been answered by pointing to the fact that in May, 1838, congress had voted down a proposition to submit this question to the people (p. — above), and that the people gave no instructions to the representatives elected in September following, although they were aware that this subject would again be considered.

²*Morning Star*, April 30, June 30, and July 27, 1839.

³*Senate Journal*, 3 Tex. Cong., 108-110.

⁴*House Journal*, *ibid.*, 358.

⁵Wm. H. Wharton filed a written protest against the action taken by this vote.—*Senate Journal*, 3 Tex. Cong., 109, 110.

whose banks will be honored by the metropolis of Texas."¹ The next day—January 19th—an anonymous writer at Houston stated

I am confidently of the opinion that the commissioners will select some point on the Colorado, If the seat of Government should be on the Colorado or near it, the improvement of W. Texas will be unprecedented in the annals of the world. . . . It is certainly a new idea in the history of the world that the seat of Government should be situated on the frontier, that we should invade the country of the enemies of the white man with the archives of the nation, but any man who is acquainted with the situation of that beautiful country to which the commissioners are confined, will be satisfied that the prosperity of Texas will be rapidly advanced by a location in that section of the country. It will cause the immediate settlement of one of the most desirable countries on the continent of America. I have no doubt that the new city will contain one or two thousand inhabitants by the first of October next. There will be citizens enough around the spot to defend it from the attacks of all the forces which can be brought against it.²

d. Report of the Commissioners. Congress adjourned January 24, 1839. It was made the duty of the commissioners to take up their work immediately thereafter. The anonymous writer of the letter, quoted above, states that the commissioners had agreed to start on the 10th of February next to select a site for the seat of government. Fully two months elapsed before anything was learned in regard to their proceedings. The *Morning Star* of April 15th printed the following account of their final meeting at Houston:

City of Houston,
April 13, 1839.

We the commissioners appointed for locating permanently the seat of government of the republic of Texas, having met this day by appointment at the Capital, the question was put by the chairman, A. C. Horton, as to which river, the Brazos or Colorado with the respective selections on each had the highest claims to our consideration in the discharge of the duty assigned us. The vote stood as follows: for the Colorado, Messrs. A. C. Horton, William Menifee, and L. P. Cooke; for the Brazos, Messrs. I. W. Burton and Isaac Campbell.

The question was then put by the chair, as to which of the selections on the Colorado river, viz: Bastrop or Waterloo was entitled

¹*Matagorda Bulletin*, January 24, 1839.

²Letter dated Houston, Texas, January 19, 1839, reprinted by the *Texas Monument*, October 16, 1850, from the *Alabama Observer*.

to their preference. It was unanimously determined that Waterloo, and the lands condemned and relinquished around it, was the proper site and was therefore their choice.

A. C. Horton, Chairman.
I. W. Burton,
L. P. Cooke,
Wm. Meniffee,
Isaac Campbell.

Of even date with the above is the "full and complete return and report of all their actings and doings as commissioners" required by law to be made to the president:

City of Houston
April 13th A. D. 1839

To,

His Excellency,
Mirabeau B Lamar,

President of the Republic of Texas,

The Commissioners appointed under an act of Congress dated January 1839, for locating the permanent site of the Seat of Government for the Republic, have the honor to report to your Excellency.

That they have selected the site of the Town of Waterloo on the East Bank of the Colorado River with the lands adjoining as per the Deed of the Sheriff of Bastrop County bearing date March 1839, and per the relinquishments of Logan Vandever, James Rogers, G. D. Hancock, J. W. Herrall, and Aaron Burleson by Edward Burleson all under date of 7th March 1839, as the site combining the greatest number of, and the most important advantages to the Republic by the location of the Seat of Government thereon, than any other situation which came under their observation within the limits assigned them, and as being therefore their choice for the location aforesaid.

We have the honor to represent to your Excellency that we have traversed and critically examined the country on both sides of the Colorado and Brazos Rivers from the Upper San Antonio road to, and about the falls, on both those rivers and that we have not neglected the intermediate country between them, but have examined it more particularly than a due regard to our personal safety did perfectly warrant. We found the Brazos River more central perhaps in reference to actual existing population, and found in it and its tributaries perhaps a greater quantity of fertile lands than are to be found on the Colorado, but on the other hand we were of the opinion that the Colorado was more central in respect to Territory, and this in connection with the great desideratums of health,

fine water, stone, stone coal, water power &c, being more abundant and convenient on the Colorado than on the Brassos river, did more than counterbalance the supposed superiority of the lands as well as the centrality of position in reference to population, possessed by the Brassos river.

In reference to the protection to be afforded to the frontier by the location of the Seat of Government, a majority of the Commissioners are of the opinion that that object will be as well attained by the location upon the one river as upon the other, being also of the opinion that within a very short period of time following the location of the Seat of Government on the Frontier, the extension of the Settlements produced thereby, will engender other theories of defence, on lands now the homes of the Comanche and the Bisson.

The site selected by the Commissioners is composed of five thirds of leagues of lands and two labors, all adjoining and having a front upon the Colorado river somewhat exceeding three miles in breadth. It contains seven thousand seven hundred and thirty five acres land and will cost the Republic the sum of Twenty one thousand dollars or thereabouts, one tract not being surveyed. Nearly the whole front is a Bluff of from thirty to forty feet elevation, being the termination of a Prairie containing perhaps two thousand acres, composed of chocolate colored sandy loam, intersected by two beautiful streams of permanent pure water, one of which forms at its debouche into the river a timbered rye bottom of about thirty acres. These rivulets rise at an elevation of from sixty to one hundred feet on the back part of the site of the tract, by means of which the contemplated city might at comparatively small expense be well watered, in addition to which are several fine bluff springs of pure water on the river at convenient distances from each other.

The site is about two miles distant from and in full view of the Mountains or breaks of the Table Lands which, judging by the eye, are of about three hundred feet elevation. They are of Limestone formation and are covered with Live Oak and Dwarf Cedar to their summits. On the site and its immediate vicinity, stone in inexhaustable quantities and great varieties is found almost fashioned by nature for the builders hands; Lime and Stone coal abound in the vicinity, timber for firewood and ordinary building purposes abound on the tract, though the timber for building in the immediate neighborhood is not of so fine a character as might be wished, being mostly Cotton wood, Ash, Burr Oak, Hackberry, Post Oak and Cedar, the last suitable for shingles and small frames.

At the distance of eighteen miles west by south from the site, on Onion Creek, "a stream affording fine water power" is a large body of very fine Cyprus, which is also found at intervals up the River

for a distance of forty miles, and together with immense quantities of fine Cedar might readily be floated down the stream, as the falls two miles above the site present no obstruction to floats or rafts, being only a descent of about five feet in one hundred and fifty yards over a smooth bed of limestone formation very nearly resembling colored marble. By this route also immense quantities of stone coal, building materials, and in a few years Agricultural and Mineral products for the contemplated city, as no rapids save those mentioned occur in the River below the San Saba, nor are they known to exist for a great distance above the junction of that stream with the Colorado.

Opposite the site, at the distance of a mile, Spring Creek and its tributaries afford perhaps the greatest and most convenient water-power to be found in the Republic. Walnut Creek distance six miles, and Brushy Creek distant sixteen miles both on the east side of the river, afford very considerable water power. Extensive deposits of Iron ore adjudged to be of very superior quality is found within eight miles of the location.

This section of the Country is generally well watered, fertile in a high degree and has every appearance of health and salubrity of climate. The site occupies and will effectually close the pass by which the Indians and outlawed Mexicans have for ages past traveled east and west to and from the Rio Grande to Eastern Texas, and will now force them to pass by the way of Pecan Bayou and San Saba above the Mountains and the sources of the Guadalupe river.

The Commissioners confidently anticipate the time when a great thoroughfare shall be established from Santa Fe to our Sea ports, and another from Red River to Matamoras, which two routs must almost of necessity intersect each other at this point. They look forward to the time when this city shall be the emporium of not only the productions of the rich soil of the San Saba, Puertentalis Hono¹ and Pecan Bayo, but of all the Colorado and Brassos, as also of the Produce of the rich mining country known to exist on those streams. They are satisfied that a truly National City could at no other point within the limits assigned them be reared up, not that other sections of the Country are not equally fertile, but that no other combined so many and such varied advantages and beauties as the one in question. The imagination of even the romantic will not be disappointed on viewing the Valley of the Colorado, and the fertile and gracefully undulating woodlands and luxuriant Prairies at a distance from it. The most sceptical will not doubt its healthiness, and the citizens bosom must swell with honest pride when standing in the Portico of the Capitol of his Country he looks abroad upon a region worthy only of being the home of the brave

¹Probably intended for Llano.

and free. Standing on the juncture of the routs of Santa Fe and the Sea coast, of Red River and Matamoras, looking with the same glance upon the green romantic Mountains, and the fertile and widely extended plains of his country, can a feeling of Nationality fail to arise in his bosom or could the fire of patriotism lie dormant under such circumstances.

Fondly hoping that we may not have disappointed the expectations of either our Countrymen or your Excellency, we subscribe ourselves Your Excellency's Most obedient Servants.

A. C. Horton, Chairman

I. W. Burton

William Menefee

Isaac Campbell

Louis P. Cooke¹

2. THE CITY OF AUSTIN.

(1) *The Site.*

"They have selected the site of the Town of Waterloo on the East Bank of the Colorado River with the lands adjoining."² This sentence summarizes the result of the examination and deliberation of the commissioners, chosen to select a site for the permanent location of the seat of government of the infant Republic of Texas. Many considered these the magic words that would call into existence a new and thriving metropolis, situated at the head of navigation of the Colorado, an entrepôt that would soon divert the commerce of the prairies from its established route, and the seat of a "splendid national college filled with able and distinguished professors."

The town of Waterloo, to quote the words of the editor of the *Morning Star*, "is situated in Bastrop county, about 35 miles above the city of Bastrop on the Colorado river, and nearly at the foot of the mountains. . . . There are in the town itself but four families at present, and in another settlement a few miles from it, about twenty. Such in brief is the description of the location given us by one of the commissioners."³

The name of the town of Waterloo had never appeared among those of the candidates for the location of the seat of government. Perhaps, the only mention of its name heard in congress was at the

¹Seat of Government Papers, MS.

²See statement of commissioners, p. 217 above.

³*Morning Star*, April 15, 1839.

time of the passage of "An Act to Incorporate the Towns of Comanche and Waterloo," approved January 15, 1839.¹ Various reasons have been surmised why the commissioners should have selected this site.² To the student who has carefully scrutinized the facts, the reasons stated by the commissioners in their report to President Lamar will appear both straightforward and sufficient. The commissioners do not claim to have found the ideal location nor that "nature appears to have designated this place for the future seat of government;" they simply state that their selection is the best location within the limits assigned them. There was room for difference of opinion in regard to the fitness of the site for the purposes to which it was to be dedicated, without necessarily condemning the action of the commissioners. This fact, however, was not always kept in mind by the opponents of the city of Austin.

Opposition to the site developed as soon as its location was ascertained. The *Morning Star* charged, first, that the commissioners had not performed their duties conscientiously; "we believe that as many as three sites have been examined."³ Secondly, it stated that the only reason it was able to discover for selecting Austin was, that the commissioners there found "vacant lands to locate."⁴ It further objected to the site of Austin on the ground that

it possesses none of the advantages of a city—timber being scarce, water not *too* abundant, the situation remote from the Gulf, and there being no navigable stream near it, at least at present, the immediate surrounding country not being fertile, and the town being at the *end* of the road, beyond which there is nothing to see."⁵

These objections were effectually disposed of by a correspondent of the *Telegraph*, July 31, 1839, who was familiar with Austin and its vicinity.

¹*Laws of the Republic of Texas, Passed the First Session of Third Congress*, 1839, p. 48.

²THE QUARTERLY, II 119.

³*Morning Star*, April 12, 1839.

⁴*Ibid.*, July 18, 1839. A. C. Horton replied to these or similar charges in the convention of 1845; see: Weeks, *Debates of the Texas Convention* [1845], p. 563.

⁵*Ibid.*, July 27, 1839.

Another objection to Austin was raised by the *Morning Star* which perhaps has never presented itself to the minds of many, and that is the remoteness of the new location from the coast, and the delay which must thereby result in the transmission of important information to the Executive department of the Republic. . . . Ours is almost entirely a country of *foreign* relations, and such being the case, it seems indispensable that the seat of government should be located near the coast, in order that all information may be received at headquarters as soon as possible. This objection to the new location may not *always* exist, it is true; but until we shall have become rich enough to have rail-roads, by means of which to transport news, it certainly must be regarded as a great one.¹

No doubt there was much truth in this statement. But the truthfulness was not the sole criterion by which to determine the part it should play in the discussion of this new question. It must be shown that the location of the seat of government near the coast would contribute more to the peace, security, settlement, progress and prestige of the country than its location at Austin. Texas possessed a navy capable of protecting its seacoast. "The propriety of placing the seat of government on the frontier was largely discussed during the last session of congress. The reasons urged in favor of it were such as met the approbation of a large majority of the members, and of the nation."²

Again the *Morning Star* said:

It seems not a little singular that it should have been thought advisable to locate the seat of government at a point where the public archives will be in an unsafe condition from its proximity to both of our enemies, the Indians and Mexicans. It cannot be supposed that in case of an invasion, the settlers on the lower Colorado, on the Brazos, or in any part of the lower country, will leave their families, and their homes defenceless, and rally around the seat of government; and that city, both from its situation and accessibility, is probably the first to which the enemy would march, after having taken Bexar. . . . Do not, then, good sense and sound policy combine, in urging the propriety of permitting the seat of government to remain where it is, at least till the war is over?³

¹*Morning Star*, June 12, 1839.

²*Telegraph*, July 31, 1839.

³*Morning Star*, July 1, 1839.

The admission made by the *Morning Star* in the preceding paragraph, if true, was certainly most undiplomatic and well suited to create a very unfavorable impression of the strength of the Republic of Texas. If true, all Texan diplomacy would have proved fruitless, whether the seat of government had been located on the coast or elsewhere. The mere suspicion in Europe that Texas could not protect her archives and the government at a point near the geographical center of her imperial domain would have paralyzed all the negotiations of our ministers. Austin is at least two hundred miles from the nearest point on the Rio Grande. News of an invasion would outtravel any enemy sufficiently strong to endanger the seat of government. What portion of the frontier would be better prepared to meet an invasion than the seat of government with the executive, the secretary of war, and the postmaster general at hand to direct affairs? And what of immigration? Would new settlers risk their lives on the Texas frontier, after the facts alleged above were placed before them? And what did the infant Republic of Texas need more than immigrants?

Now let the reader's attention be turned from what the opponents had to say to the comments of friends of the West. On receipt of the decision of the commissioners, the *Matagorda Bulletin*, May 2, 1839, said:

We are almost every day seeing and conversing with persons who have visited Waterloo, the site selected for the recent location, and thus far, without a dissenting voice, all agree that it is a most judicious selection, and all speak in favorable terms of the beautiful country which surrounds it. . . .

In a national point of view it will benefit us much, as it will be the immediate means of condensing population at a very important point of the frontier, and in such numbers as will put an end to the predatory incursions of small parties of Indians, whose numerical or physical force in the field is in reality nothing, but still whose inroads keep the frontier in constant alarm.

Notwithstanding all the inquiries which we have made relative to the dangers which some persons think might be expected by the citizens of Austin from Indian warfare, we have been unable to discover that any cause of consequence for such fears exist, except in the imaginations of those parties who put such emphasis on them from purposes which the people can easily imagine.

We espouse the course of active vigilance and the taking prudent means to prevent any cause of fear existing, by keeping an armed

force sufficient to ward off any dangers that *might* occur, but we cannot, from any circumstance within our knowledge, see any justification for ourselves in becoming unnecessary alarmists.

Other notices along this line appeared in various papers. Below are given a few of the more comprehensive. The *Morning Star*, May 9, 1839, stated:

The population between Washington and Lagrange has increased fourfold [in eighteen months], and Lagrange which at [the beginning of] that time had never been thought of for a town, now contains a population of four or five hundred inhabitants, and Rutersville, only five miles from Lagrange, which was laid off only six months ago, now contains about three hundred souls. On the Colorado river, between Lagrange and Bastrop there was about a dozen houses; now there is between two and three hundred. Bastrop at that time contained about twenty houses; it has now about two hundred, and many of them equal to the best houses in Houston. The settlements above Bastrop on the Colorado river, then consisted of about eight or ten families. It is now one of the thickest settlements in Texas.

The *Telegraph* of June 12, 1839, said:

Until the permanent location of the seat of government in that quarter of the frontier, many of the citizens were undetermined about remaining; but the final settlement of that point, together with the assurance that a number of regular forces will be kept up in the country, have removed any remaining doubts upon the subject.

The *Matagorda Bulletin* of August 1, 1839, reported:

The most cheering accounts are daily received of the immense emigration to the Upper Colorado and western country. We have always been satisfied that it was only necessary that the beautiful country situated there should be known to render it very shortly the most densely populated part of the Republic. The location of the seat of government at its present site has had the effect to bring it into notice.

Austin proved its efficiency as a frontier defence before the government was transferred thither. The commissioners in their report called attention to the fact that "the site occupies and will effectually close the pass by which the Indians and outlawed Mexicans have for ages past traveled east and west to and from the Rio Grande to Eastern Texas." In May, 1839, while the seat of

government was being surveyed, Manuel Flores and his band of Mexicans and Cherokees, who were on their way from Matamoras to Eastern Texas, were discovered while attempting to pass the Colorado by this old ford, pursuit was made, and they were overtaken a short distance from Austin. Flores was killed in the fray that ensued. The captured baggage of the party included several hundred pounds of powder and lead and documents that revealed or rather confirmed the fact that the Cherokees had entered into a plot with certain Mexican officials for the extermination of the whites in Texas.¹ The discovery of these documents was the direct occasion for the steps leading to the expulsion of the Cherokees from Texas and in this manner frustrating their designs upon the lives of the white population of this Republic.

From the time of the removal of the government to Austin until the abandonment of that place, information of every large Indian foray and of the Mexican invasions in 1842 reached Austin at least a week earlier than it did those points situated near the Gulf coast.

(2) *Laying Out of the New City and the First Sale of Lots.*

The act for the permanent location of the seat of government also provided for the laying out of the site to be selected and for the sale of the lots. The sections relating to these subjects are as follows:

Sec. 9. *Be it further enacted*, That immediately after the President receives the report of the commissioners, it shall be his duty to appoint an agent, whose duty it shall be to employ a surveyor at the expense of the Government, and have surveyed six hundred and forty acres of land on the site chosen by the commissioners into town lots, under the direction of the President, which shall be, by said agent, advertised for sale for ninety days in all the public gazettes in the Republic, and also in the New Orleans Bulletin and Picayune, and said lots shall be sold at auction, to the highest bidder, between the hours of ten A. M. and four P. M., and said sales may continue from day to day at the discretion of the agent; *Provided, however*, That not more than one half of said lots shall be sold at the first sale; and that said agent shall cause to be made ten plots of said city, one of which shall be deposited with the President, one with the Commissioner of the General Land Office, one with the Texas Consul in New Orleans, one with the Texas Consul at Mobile, and the remainder of which shall be retained by

¹*Morning Star*, May 25, 27, and 28, 1839.

the agent at said city; and the said agent shall receive a salary of eight dollars per diem, and a reasonable sum for purchasing stationery, paying for printing, and a suitable office for the transaction of his business.

Sec. 10. *Be it further enacted*, That said agent shall take and subscribe the following oath, (to be administered by any one authorized to administer the same,) that "I, A B, do solemnly swear (or affirm, as the case may be,) that I will truly, honestly and faithfully discharge my duties as agent; that I will neither directly nor indirectly, by myself or agent, in my own name, or in the name of another or others, either publicly or privately, purchase, bargain or contract for more than six lots, or be in any way interested in the purchasing, bargaining or contracting for any other lot or lots, lands, tenements, hereditaments included in or appertaining to that tract or parcel of country purchased or obtained by this government for the location of the seat of government, either to take effect during my agency, or at any time thereafter, so long as my agency shall continue, so help me God." And that said agent shall give bond and security, to be approved by the President, in the just and full sum of one hundred thousand dollars, which bond shall be deposited in the office of the Secretary of State, payable to the President or his successors in office, conditioned for the faithful performance of his duties.

Sec. 11. *Be it further enacted*, That said lots shall be sold for one-fourth payable at the time of sale, and the balance in three equal instalments of six, twelve and eighteen months; that upon failure of any purchaser or purchasers to pay said instalments, within ten days after they become due, the property so purchased shall revert to the Republic, and such person or persons shall forfeit the sum or sums of money paid on said property; and the said agent shall issue his proclamation making known said reversion and forfeiture, and the same shall thereafter be subject to sale, as though it had never been sold; and that said agent shall receive nothing but gold and silver, or the promissory notes of the government, or any and all audited drafts against this government, for said lots; all of which said agent shall make known in his advertisements, and on the day or days of sale.

Sec. 12. *Be it further enacted*, That the said agent, before the sale of said lots, shall set apart a sufficient number of the most eligible for a Capitol, Arsenal, Magazine, University, Academy, Churches, Common Schools, Hospital, Penitentiary, and for all other necessary public buildings and purposes.

Sec. 13. *Be it further enacted*, That said agent shall immediately after each and every sale, report to the secretary of the treasury, and pay over to him all the proceeds of the same, and take his receipt therefor; and said agent shall be subject to the orders of

the President from time to time, and shall dispose of no other property belonging to the government except that laid off into town lots, until authorized by Congress.¹

In compliance with section 9 the President promptly selected the man to act as agent. Even before the commissioners made their report, we find the following letter from the President's private secretary addressed to Edwin Waller and dated March 2, 1839 :

His Excellency the President has instructed me to inform you that he will confer on you the appointment of Government Agent, for the new City of Austin, the future Capital of the Republic, and that he solicits an interview with you upon the subject as soon as practicable, preparatory to the necessary arrangements, etc.²

Mr. Waller's bond is dated April 12, 1839.³ Before proceeding to the site of his labors, he placed the requisite advertisement in the newspapers, stating that the first sale of lots would take place about ninety days from that date, on August 1st next.⁴ Mr. Waller set out for Austin in the early part of May.

The *Morning Star* of April 22, 1839, noted the fact that "Business in this city [Houston] is rapidly reviving. The roads are filled with teams from La Grange, Bastrop, and all the towns in the neighborhood of the newly located seat of government, coming down to obtain supplies."

Writing from Austin on May 20, Mr. Waller stated that he had concluded a contract for surveying and laying off the lots with Pillie & Schoolfield, that the surveyors were to commence surveying the next day, and that he would urge on the work with all possible despatch.⁵

The plan of the city of Austin as laid out and surveyed under Mr. Waller's direction is shown by the accompanying reproduction of the first map. It will show at once the accuracy of the work, and the lofty conception held by the agent of what the future capital of Texas should be. Of prime importance was the selection of the most eligible site within the 7,735 acres constituting the govern-

¹*Laws of the Republic of Texas, Passed the First Session of Third Congress, 1839, pp. 163-165.*

²Seat of Government Papers, MS.

³THE QUARTERLY, IV 44, 45.

⁴A copy of the advertisement, dated April 22, appeared in the *Morning Star*, April 23, 1839.

⁵Seat of Government Papers, MS.

ment's reservation. Here was an opportunity of making or marring a naturally beautiful location. Mr. Waller possessed the good taste as well as sound judgment to make the best of it; he selected the land lying between the "two beautiful streams" referred to by the commissioners. The broad streets, the excellent location of the capitol space, the names of the streets extending north and south—who would change them now?

As the time for the first sale of lots (August 1) approached, the *Morning Star* attempted to defeat it entirely by republishing every argument that had hitherto been put forward against the new site. For instance, it stated that

there is no reason to believe that the location will be a *permanent* one; but as this was made by *management*, combined with *self-interest*, and as these components will exist in the next legislature, *there is not the slightest guarantee* that that body may not find it to *its* interest to move again. There can be but two reasons why congress should have stricken out the word '*permanent*,'¹ each equally affecting the investment of money in lots in the new seat of government; and these are, either they *knew* they were *incompetent*, or that if they had the right they could by leaving out the word, move the Capitol at pleasure, and thus make a series of speculations. The latter none would attribute to them;² the former, then, must be the true one. Whatever was the cause, the location is *not* permanent, and the investment of money in lots in the city is *not* a *safe one*.³

Contrasted with the foregoing is the following from the *Mataorda Bulletin* for July 18, 1839:

The time is fast approaching when the public sale of Lots at the City of Austin . . . is to take place. . . . We understand that already numbers of persons are flocking to that point,

¹It is generally supposed that the act provides for its "*permanent*" location which is an error. That word was stricken out in the passage of the bill through the Senate, and can not be found in the body of it. Through an error of the clerk, it still remains in the caption.—*Morning Star*, April 20, 1839.

²The legislature has shown on so many occasions such a vascillating spirit, and too often a disregard of the plighted faith of the nation, that the confidence of many persons in our integrity is much impaired, and as the location of the seat of government is only a matter of *speculation*, the ensuing congress having equal power with the preceding one, *may* take it into their hands to cancel the act of that body, and make still another location.—*Morning Star*, June 26, 1839.

³*Morning Star*, July 27, 1839; cf. *ibid.*, April 20, June 20, 26, 27, July 5, 8, 77, and 30.

				C North				Avenue			
8 7 6 5 173 1 2 3 4	8 7 6 5 172 1 2 3 4	8 7 6 5 171 1 2 3 4	8 7 6 5 170 1 2 3 4	12 11 10 9 8 7 173 1 2 3 4 5 6	12 11 10 9 8 7 172 1 2 3 4 5 6	6 7 4 173 3 10 2 11 1 12	6 7 4 172 3 10 2 11 1 12	12 11 10 9 8 7 171 1 2 3 4 5 6	12 11 10 9 8 7 170 1 2 3 4 5 6	12 11 10 9 8 7 169 1 2 3 4 5 6	12 11 10 9 8 7 168 1 2 3 4 5 6
8 7 6 5 169 1 2 3 4	8 7 6 5 168 1 2 3 4	8 7 6 5 167 1 2 3 4	8 7 6 5 166 1 2 3 4	12 11 10 9 8 7 167 1 2 3 4 5 6	9 8 7 6 5 4 166 1 2 3	6 7 3 2 4 169 1 12	6 7 3 2 4 168 1 12	4 3 6 7 8 9 167 1 2 3 4	4 3 6 7 8 9 166 1 2 3 4	4 3 6 7 8 9 165 1 2 3 4	4 3 6 7 8 9 164 1 2 3 4
ACADEMY	8 7 6 5 162 1 2 3 4	8 7 6 5 161 1 2 3 4	8 7 6 5 160 1 2 3 4	12 11 10 9 8 7 160 1 2 3 4 5 6	6 5 4 159 1 2 3	TREASURY DEPARTMENT	STATE DEPARTMENT	12 11 10 9 8 7 158 1 2 3 4 5 6	12 11 10 9 8 7 157 1 2 3 4 5 6	12 11 10 9 8 7 156 1 2 3 4 5 6	12 11 10 9 8 7 155 1 2 3 4 5 6
UNIVERSITY	8 7 6 5 151 1 2 3 4	8 7 6 5 150 1 2 3 4	8 7 6 5 149 1 2 3 4	12 11 10 9 8 7 149 1 2 3 4 5 6	6 5 4 148 1 2 3	GENERAL LAND OFFICE		12 11 10 9 8 7 147 1 2 3 4 5 6	12 11 10 9 8 7 146 1 2 3 4 5 6	12 11 10 9 8 7 145 1 2 3 4 5 6	12 11 10 9 8 7 144 1 2 3 4 5 6
	8 7 6 5 141 1 2 3 4	8 7 6 5 140 1 2 3 4	8 7 6 5 139 1 2 3 4	12 11 10 9 8 7 139 1 2 3 4 5 6	6 5 4 138 1 2 3	A TOWNY GEN.		12 11 10 9 8 7 137 1 2 3 4 5 6	12 11 10 9 8 7 136 1 2 3 4 5 6	12 11 10 9 8 7 135 1 2 3 4 5 6	12 11 10 9 8 7 134 1 2 3 4 5 6
5 7 6 5 130 1 2 3 4	8 7 6 5 129 1 2 3 4	8 7 6 5 128 1 2 3 4	8 7 6 5 127 1 2 3 4	12 11 10 9 8 7 127 1 2 3 4 5 6	1 2 3 126 1 2 3 4 5 6	NAVY DEPARTMENT	WAR DEPARTMENT	12 11 10 9 8 7 125 1 2 3 4 5 6	12 11 10 9 8 7 124 1 2 3 4 5 6	12 11 10 9 8 7 123 1 2 3 4 5 6	12 11 10 9 8 7 122 1 2 3 4 5 6
8 7 6 5 121 1 2 3 4	8 7 6 5 120 1 2 3 4	8 7 6 5 119 1 2 3 4	8 7 6 5 118 1 2 3 4	12 11 10 9 8 7 118 1 2 3 4 5 6	12 11 10 9 8 7 117 1 2 3 4 5 6			12 11 10 9 8 7 116 1 2 3 4 5 6	12 11 10 9 8 7 115 1 2 3 4 5 6	12 11 10 9 8 7 114 1 2 3 4 5 6	12 11 10 9 8 7 113 1 2 3 4 5 6
8 7 6 5 111 1 2 3 4	8 7 6 5 110 1 2 3 4	8 7 6 5 109 1 2 3 4	8 7 6 5 108 1 2 3 4	12 11 10 9 8 7 108 1 2 3 4 5 6	12 11 10 9 8 7 107 1 2 3 4 5 6			12 11 10 9 8 7 106 1 2 3 4 5 6	12 11 10 9 8 7 105 1 2 3 4 5 6	12 11 10 9 8 7 104 1 2 3 4 5 6	12 11 10 9 8 7 103 1 2 3 4 5 6
8 7 6 5 101 1 2 3 4	8 7 6 5 100 1 2 3 4	8 7 6 5 99 1 2 3 4	8 7 6 5 98 1 2 3 4	12 11 10 9 8 7 98 1 2 3 4 5 6	12 11 10 9 8 7 97 1 2 3 4 5 6			12 11 10 9 8 7 96 1 2 3 4 5 6	12 11 10 9 8 7 95 1 2 3 4 5 6	12 11 10 9 8 7 94 1 2 3 4 5 6	12 11 10 9 8 7 93 1 2 3 4 5 6
8 7 6 5 91 1 2 3 4	8 7 6 5 90 1 2 3 4	8 7 6 5 89 1 2 3 4	8 7 6 5 88 1 2 3 4	12 11 10 9 8 7 88 1 2 3 4 5 6	12 11 10 9 8 7 87 1 2 3 4 5 6			12 11 10 9 8 7 86 1 2 3 4 5 6	12 11 10 9 8 7 85 1 2 3 4 5 6	12 11 10 9 8 7 84 1 2 3 4 5 6	12 11 10 9 8 7 83 1 2 3 4 5 6
8 7 6 5 81 1 2 3 4	8 7 6 5 80 1 2 3 4	8 7 6 5 79 1 2 3 4	8 7 6 5 78 1 2 3 4	12 11 10 9 8 7 78 1 2 3 4 5 6	12 11 10 9 8 7 77 1 2 3 4 5 6			12 11 10 9 8 7 76 1 2 3 4 5 6	12 11 10 9 8 7 75 1 2 3 4 5 6	12 11 10 9 8 7 74 1 2 3 4 5 6	12 11 10 9 8 7 73 1 2 3 4 5 6
8 7 6 5 71 1 2 3 4	8 7 6 5 70 1 2 3 4	8 7 6 5 69 1 2 3 4	8 7 6 5 68 1 2 3 4	12 11 10 9 8 7 68 1 2 3 4 5 6	12 11 10 9 8 7 67 1 2 3 4 5 6			12 11 10 9 8 7 66 1 2 3 4 5 6	12 11 10 9 8 7 65 1 2 3 4 5 6	12 11 10 9 8 7 64 1 2 3 4 5 6	12 11 10 9 8 7 63 1 2 3 4 5 6
8 7 6 5 61 1 2 3 4	8 7 6 5 60 1 2 3 4	8 7 6 5 59 1 2 3 4	8 7 6 5 58 1 2 3 4	12 11 10 9 8 7 58 1 2 3 4 5 6	12 11 10 9 8 7 57 1 2 3 4 5 6			12 11 10 9 8 7 56 1 2 3 4 5 6	12 11 10 9 8 7 55 1 2 3 4 5 6	12 11 10 9 8 7 54 1 2 3 4 5 6	12 11 10 9 8 7 53 1 2 3 4 5 6
8 7 6 5 51 1 2 3 4	8 7 6 5 50 1 2 3 4	8 7 6 5 49 1 2 3 4	8 7 6 5 48 1 2 3 4	12 11 10 9 8 7 48 1 2 3 4 5 6	12 11 10 9 8 7 47 1 2 3 4 5 6			12 11 10 9 8 7 46 1 2 3 4 5 6	12 11 10 9 8 7 45 1 2 3 4 5 6	12 11 10 9 8 7 44 1 2 3 4 5 6	12 11 10 9 8 7 43 1 2 3 4 5 6
8 7 6 5 41 1 2 3 4	8 7 6 5 40 1 2 3 4	8 7 6 5 39 1 2 3 4	8 7 6 5 38 1 2 3 4	12 11 10 9 8 7 38 1 2 3 4 5 6	12 11 10 9 8 7 37 1 2 3 4 5 6			12 11 10 9 8 7 36 1 2 3 4 5 6	12 11 10 9 8 7 35 1 2 3 4 5 6	12 11 10 9 8 7 34 1 2 3 4 5 6	12 11 10 9 8 7 33 1 2 3 4 5 6
8 7 6 5 31 1 2 3 4	8 7 6 5 30 1 2 3 4	8 7 6 5 29 1 2 3 4	8 7 6 5 28 1 2 3 4	12 11 10 9 8 7 28 1 2 3 4 5 6	12 11 10 9 8 7 27 1 2 3 4 5 6			12 11 10 9 8 7 26 1 2 3 4 5 6	12 11 10 9 8 7 25 1 2 3 4 5 6	12 11 10 9 8 7 24 1 2 3 4 5 6	12 11 10 9 8 7 23 1 2 3 4 5 6
8 7 6 5 21 1 2 3 4	8 7 6 5 20 1 2 3 4	8 7 6 5 19 1 2 3 4	8 7 6 5 18 1 2 3 4	12 11 10 9 8 7 18 1 2 3 4 5 6	12 11 10 9 8 7 17 1 2 3 4 5 6			12 11 10 9 8 7 16 1 2 3 4 5 6	12 11 10 9 8 7 15 1 2 3 4 5 6	12 11 10 9 8 7 14 1 2 3 4 5 6	12 11 10 9 8 7 13 1 2 3 4 5 6
8 7 6 5 11 1 2 3 4	8 7 6 5 10 1 2 3 4	8 7 6 5 9 1 2 3 4	8 7 6 5 8 1 2 3 4	12 11 10 9 8 7 8 1 2 3 4 5 6	12 11 10 9 8 7 7 1 2 3 4 5 6			12 11 10 9 8 7 6 1 2 3 4 5 6	12 11 10 9 8 7 5 1 2 3 4 5 6	12 11 10 9 8 7 4 1 2 3 4 5 6	12 11 10 9 8 7 3 1 2 3 4 5 6
8 7 6 5 1 1 2 3 4	8 7 6 5 0 1 2 3 4	8 7 6 5 -1 1 2 3 4	8 7 6 5 -2 1 2 3 4	12 11 10 9 8 7 -2 1 2 3 4 5 6	12 11 10 9 8 7 -3 1 2 3 4 5 6			12 11 10 9 8 7 -4 1 2 3 4 5 6	12 11 10 9 8 7 -5 1 2 3 4 5 6	12 11 10 9 8 7 -6 1 2 3 4 5 6	12 11 10 9 8 7 -7 1 2 3 4 5 6

Capitol Square

PENITENTARY

North

11/10/9 8 7	12/11/10 9 8 7
172	173
2 3 4 5 6	1 2 3 4 5 6

Walnut

11/10/9 8 7	9 8 7 6 5 4
167	162
2 3 4 5 6	1 2 3

Peach

11/10/9 8 7	6 5 4
170	159
2 3 4 5 6	1 2 3

College

11/10/9 8 7	6 5 4
173	158
2 3 4 5 6	1 2 3

Musquit

11/10/9 8 7	1 2 3
168	123
2 3 4 5 6	4 5 6

Cherry

11/10/9 8 7	7 6 5
162	169
2 3 4 5 6	1 2 3

Ash

11/10/9 8 7	12/11/10 9 8 7
166	165
2 3 4 5 6	1 2 3 4 5 6

Hickory

11/10/9 8 7	12/11/10 9 8 7
171	163
2 3 4 5 6	1 2 3 4 5 6

and Spruce

11/10/9 8 7	12/11/10 9 8 7
172	164
2 3 4 5 6	1 2 3 4 5 6

Pine

11/10/9 8 7	12/11/10 9 8 7
165	161
2 3 4 5 6	1 2 3 4 5 6

Live Oak

11/10/9 8 7	12/11/10 9 8 7
169	160
2 3 4 5 6	1 2 3 4 5 6

Maple

11/10/9 8 7	12/11/10 9 8 7
174	157
2 3 4 5 6	1 2 3 4 5 6

Live Oak

11/10/9 8 7	12/11/10 9 8 7
175	156
2 3 4 5 6	1 2 3 4 5 6

6 7	5 6
4 173	3 10
2 11	1 12

Treasury Department

6 7	5 6
4 173	3 10
2 11	1 12

State Department

6 7	5 6
4 173	3 10
2 11	1 12

General Land Office

6 7	5 6
4 173	3 10
2 11	1 12

War Department

6 7	5 6
4 173	3 10
2 11	1 12

War Department

6 7	5 6
4 173	3 10
2 11	1 12

War Department

6 7	5 6
4 173	3 10
2 11	1 12

War Department

6 7	5 6
4 173	3 10
2 11	1 12

War Department

6 7	5 6
4 173	3 10
2 11	1 12

War Department

6 7	5 6
4 173	3 10
2 11	1 12

War Department

6 7	5 6
4 173	3 10
2 11	1 12

War Department

6 7	5 6
4 173	3 10
2 11	1 12

War Department

6 7	5 6
4 173	3 10
2 11	1 12

6 7	5 6
4 173	3 10
2 11	1 12

Treasury Department

6 7	5 6
4 173	3 10
2 11	1 12

State Department

6 7	5 6
4 173	3 10
2 11	1 12

General Land Office

6 7	5 6
4 173	3 10
2 11	1 12

War Department

6 7	5 6
4 173	3 10
2 11	1 12

War Department

6 7	5 6
4 173	3 10
2 11	1 12

War Department

6 7	5 6
4 173	3 10
2 11	1 12

War Department

6 7	5 6
4 173	3 10
2 11	1 12

War Department

6 7	5 6
4 173	3 10
2 11	1 12

War Department

6 7	5 6
4 173	3 10
2 11	1 12

War Department

6 7	5 6
4 173	3 10
2 11	1 12

War Department

6 7	5 6
4 173	3 10
2 11	1 12

War Department

6 7	5 6
4 173	3 10
2 11	1 12

Avenue

12/11/10 9 8 7	12/11/10 9 8 7
174	170
1 2 3 4 5 6	1 2 3 4 5 6

Street

12/11/10 9 8 7	12/11/10 9 8 7
161	162
1 2 3 4 5 6	1 2 3 4 5 6

Street

12/11/10 9 8 7	12/11/10 9 8 7
156	156
1 2 3 4 5 6	1 2 3 4 5 6

Avenue

12/11/10 9 8 7	12/11/10 9 8 7
157	158
1 2 3 4 5 6	1 2 3 4 5 6

Street

12/11/10 9 8 7	12/11/10 9 8 7
159	160
1 2 3 4 5 6	1 2 3 4 5 6

Street

12/11/10 9 8 7	12/11/10 9 8 7
163	163
1 2 3 4 5 6	1 2 3 4 5 6

Street

12/11/10 9 8 7	12/11/10 9 8 7
165	165
1 2 3 4 5 6	1 2 3 4 5 6

Street

12/11/10 9 8 7	12/11/10 9 8 7
166	166
1 2 3 4 5 6	1 2 3 4 5 6

Street

12/11/10 9 8 7	12/11/10 9 8 7
167	167
1 2 3 4 5 6	1 2 3 4 5 6

Street

12/11/10 9 8 7	12/11/10 9 8 7
168	168
1 2 3 4 5 6	1 2 3 4 5 6

Street

12/11/10 9 8 7	12/11/10 9 8 7
169	169
1 2 3 4 5 6	1 2 3 4 5 6

Street

12/11/10 9 8 7	12/11/10 9 8 7
170	170
1 2 3 4 5 6	1 2 3 4 5 6

Street

12/11/10 9 8 7	12/11/10 9 8 7
171	171
1 2 3 4 5 6	1 2 3 4 5 6

12/11/10 9 8 7	12/11/10 9 8 7
172	172
1 2 3 4 5 6	1 2 3 4 5 6

Street

12/11/10 9 8 7	12/11/10 9 8 7
173	173
1 2 3 4 5 6	1 2 3 4 5 6

Street

12/11/10 9 8 7	12/11/10 9 8 7
174	174
1 2 3 4 5 6	1 2 3 4 5 6

Street

12/11/10 9 8 7	12/11/10 9 8 7
175	175
1 2 3 4 5 6	1 2 3 4 5 6

Street

12/11/10 9 8 7	12/11/10 9 8 7
176	176
1 2 3 4 5 6	1 2 3 4 5 6

Street

12/11/10 9 8 7	12/11/10 9 8 7
177	177
1 2 3 4 5 6	1 2 3 4 5 6

Street

12/11/10 9 8 7	12/11/10 9 8 7
178	178
1 2 3 4 5 6	1 2 3 4 5 6

Street

12/11/10 9 8 7	12/11/10 9 8 7
179	179
1 2 3 4 5 6	1 2 3 4 5 6

Street

12/11/10 9 8 7	12/11/10 9 8 7
180	180
1 2 3 4 5 6	1 2 3 4 5 6

Street

12/11/10 9 8 7	12/11/10 9 8 7
181	181
1 2 3 4 5 6	1 2 3 4 5 6

Street

12/11/10 9 8 7	12/11/10 9 8 7
182	182
1 2 3 4 5 6	1 2 3 4 5 6

Street

12/11/10 9 8 7	12/11/10 9 8 7
183	183
1 2 3 4 5 6	1 2 3 4 5 6

Street

12/11/10 9 8 7	12/11/10 9 8 7
184	184
1 2 3 4 5 6	1 2 3 4 5 6

8 7 6 5	8 7 6 5
160	160
1 2 3 4	1 2 3 4

Street

8 7 6 5	8 7 6 5
161	161
1 2 3 4	1 2 3 4

Street

8 7 6 5	8 7 6 5
162	162
1 2 3 4	1 2 3 4

Street

8 7 6 5	8 7 6 5
163	163
1 2 3 4	1 2 3 4

Street

8 7 6 5	8 7 6 5
164	164
1 2 3 4	1 2 3 4

Street

8 7 6 5	8 7 6 5
165	165
1 2 3 4	1 2 3 4

Street

8 7 6 5	8 7 6 5
166	166
1 2 3 4	1 2 3 4

Street

8 7 6 5	8 7 6 5
167	167
1 2 3 4	1 2 3 4

Street

8 7 6 5	8 7 6 5
168	168
1 2 3 4	1 2 3 4

Street

8 7 6 5	8 7 6 5
169	169
1 2 3 4	1 2 3 4

Street

8 7 6 5	8 7 6 5
170	170
1 2 3 4	1 2 3 4

Street

8 7 6 5	8 7 6 5
171	171
1 2 3 4	1 2 3 4

Street

8 7 6 5	8 7 6 5
172	172
1 2 3 4	1 2 3 4

8 7 6 5	8 7 6 5
173	173
1 2 3 4	1 2 3 4

Street

8 7 6 5	8 7 6 5
174	174
1 2 3 4	1 2 3 4

Street

8 7 6 5	8 7 6 5
175	175
1 2 3 4	1 2 3 4

Street

8 7 6 5	8 7 6 5
176	176
1 2 3 4	1 2 3 4

Street

8 7 6 5	8 7 6 5
177	177
1 2 3 4	1 2 3 4

Street

8 7 6 5	8 7 6 5
178	178
1 2 3 4	1 2 3 4

Street

8 7 6 5	8 7 6 5
179	179
1 2 3 4	1 2 3 4

Street

most of them with the intention of purchasing property on which to establish themselves as permanent settlers, others for the purpose of investing capital in the enterprise. . . .

Many private individuals have their buildings already finished, with the purpose of immediately erecting them on their making a purchase, and we can scarcely imagine a more heart-stirring and cheering sight than will be presented at Austin during the time of the sale and after. . . .

Although the Cherokee War diverted attention from Austin and centered it upon the eastern portion of the Republic at the very time when the first sale of lots was to occur, an eager throng of purchasers gathered on the day fixed, August 1st. Sheriff Charles King of Bastrop county was the auctioneer.¹ The sale continued for one day. Two hundred and seventeen lots, one-third of the whole number, were sold at prices ranging from \$120 for the lowest to \$2,700 for the highest. The total sales amounted to \$300,000. The formal launching of the new city was regarded as satisfactory and auspicious.

3. Erection of the Public Buildings.

Section 14 of the act for the permanent location of the seat of government provided for the erection of the public buildings at the site selected by the commissioners. It reads thus:

Be it further enacted, That the President be, and he is hereby duly authorized and empowered to contract for all necessary public buildings, offices, &c., and draw on the treasurer for all such sums of money as may be necessary for the completion of the same.²

Section 1 of a supplementary act is as follows:

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled. That the President be, and he is hereby required to have erected at the point which may be selected for the location of the Seat of Government, agreeable to the provisions of the act to which this is a supplement, such buildings as he may deem necessary for the accommodation of the fourth annual Congress of this Republic, together with the President and cabinet and other officers of the Government: *Provided,* Such loca-

¹Mrs. Julia Tips Goeth, *The First Sale of Town Lots in Austin*, in *The Austin Daily Statesman*, March 19, 1905.

²*Laws of the Republic of Texas, Passed the First Session of Third Congress*, 1839, p. 165.

tion should not be made at a point where such buildings can be obtained.¹

Mr. Edwin Waller, who had been appointed by the President agent to lay out the new site and conduct the first sale of lots, was also charged with the erection of the public buildings.

The opponents of the removal from the city of Houston raised a hue and cry against the expenditure of the vast sums of money that would be required for these buildings. They alleged that this additional expense would prove very burdensome at this particular time.² To these objections the supporters of the city of Austin replied:

We can see no reason or necessity why our Government should cause the immediate erection of public buildings of a splendid or costly nature, for the mere purpose of congressional or state departments for the approaching session. Buildings of plain, simple, and least expensive kind will answer all the purposes required at present, and in the course of the next year, when the requisite conveniences will be more easily obtained, or at such suitable time hereafter as the Government may choose, buildings for the permanent use of the state can be more cheaply and substantially constructed.³

This, in fact, was the course pursued. The buildings were avowedly of a temporary character and did not even occupy the sites reserved by the government for those to be erected for permanency in the future. The amount realized from the first sale of lots must have almost sufficed to pay the cost of the buildings constructed by Waller.

Mr. Waller displayed great energy and resourcefulness in overcoming the obstacles encountered in this new task, which certainly was not an ordinary one. Its very magnitude encouraged the opposition to hope for the defeat of the removal. For instance, the *Morning Star* of April 17, 1839, said:

We consider the removal among the *possibilities*, but most certainly not among the *probabilities*. It appears to us absurd to suppose that the indispensable accommodations can be prepared for the President and other officers of Government, within the time specified by law. . . . The remoteness of the place selected from

¹*Laws of the Republic of Texas, Passed the First Session of Third Congress, 1839*, p. 90.

²*Morning Star*, April 17 and 20, and June 20, 1839.

³*Matagorda Bulletin*, May 2, 1839.

any city at which the absolute necessities for building can be obtained, together with the scarcity of provisions throughout the country, would seem to render every idea of an *immediate* removal preposterous in the extreme.

Having satisfied their own minds that the incompleteness of the buildings would delay the removal of the government to Austin, the opponents saw a necessity for a called session of congress at Houston in the early fall. This congress, of course, they said would not ratify the site of the city of Austin.¹ In this manner the removal would in all probability be delayed for years. But the energy of Waller in overcoming all obstacles dashed the plans of the opposition to the ground. A correspondent of the *Telegraph*, July 31, 1839, stated that "twenty or thirty buildings have already been completed, and that they are better buildings than were built during the first year in Houston. . . . The buildings will be ready, and be ready previous to the time prescribed by the law."

A list of the public buildings erected by Mr. Waller as well as a description of their location is contained in the documents below:

State Department
December 3rd 1840

Sir

In accordance with the resolution of the Honorable the House of Representatives of the 2nd Inst. the undersigned Secretary of State has the honor to submit the enclosed document, marked A, as presenting a schedule of all the public buildings known as such by the undersigned, and were all of them erected under a contract with E. Waller Esqr. before the removal of the Government from the City of Houston, . . .

Your Obt Servant
Abner S. Lipscomb

Hon. David S. Kaufman
Speaker of the House of Representatives.

A

Memorandum of Lots on which Public Buildings have been erected.

Block	Lot	
124	1	L. P. Cooks residence
"	6	Kitchen adjoining L. P. Cook's residence— in the rear of alley between.
110	6	[Judge Wallers residence] ² Occupied by Committee on finance.

¹*Morning Star*, April 12, 1839.

²Words enclosed in brackets are lined through in the original schedule.

Block	Lot	
110	7	[Kitchen in the rear of No. 6] unoccupied
98	5	[Jno. D. McLeod's] Now occupied by State Dept. store room for Laws, Jourls. &c
"	9	} Capitol
"	10	
"	11	
83	6	State Department
"	3	Judge Burnets
"	1	Navy Department
"	12	Judge Webbs. (This is separated from 11-83 by a line drawn between the Exec- utive office and Judge Webbs)
55	4	Treasury Building
43	7	Land Office
19	6	Post Master General
40	1	[Johnson & Starr] occupied by Comt. of Revenue
41	9	Pay Master Genl. & Stock Commissioner.
56	10	Commissary General
84	1	1st Auditors office
"	3	War Department
"	6	Adjutant General's Office
97	1	Quartermaster Generals
111	3	Mason's Residence
85	4	} Presidents House.
	5	
	8	
	9	
	10	

The within list is correct

Treasury Department
Nov. 28th 1840¹

Wm. Sevey
Actg Sec. Treasury.

3. REMOVAL OF THE GOVERNMENT TO AUSTIN ; THE SITE CONFIRMED BY CONGRESS.

(1) *The Act Fixing the Time of Removal.*

It will be remembered that the "act for the permanent location of the seat of government" provided for the selection of the site and, in a general way, for the construction of the public buildings.

¹Seat of Government Papers, MS.

But this act said nothing about the all important subject of removal from Houston, nor did it fix the time within which the new site should be surveyed, the lots sold, and the public buildings provided. Here was a manifest defect. Whether the act was purposely cast in this form to facilitate its passage can scarcely be determined in the absence of the manuscript records of the act itself, which appear to have been lost. It does seem that, after the passage of the abovementioned act, the passage of a supplementary act became a necessity in order to prevent much confusion. Before the lapse of ten days after the passage of the first act, President Lamar approved "An Act Supplementary to an act entitled an act for the permanent location of the Seat of Government."

Although this supplementary act determined one of the most sensitive points of the whole subject of removal—the time of removal—very little is to be gathered from the record of the proceedings of congress in regard to it.¹ The *Morning Star* of June 8, 1839, alleged that the law requiring the president and his cabinet to reside at the new seat of government after the first of the succeeding October "was passed at a time of great excitement, and consequently, when the members were not in the full exercise of their reasoning facilities."

That part of the act relating to the time of removal is contained in section 2, and is as follows:

Be it further enacted. That it shall be the duty of the President, together with his cabinet officers, to proceed to the point selected for the location of the Seat of Government as aforesaid, together with the archives of this Government, previous to the first day of October next, at which place the fourth annual Congress of this Republic shall assemble on the second Monday in November next.²

(2) *The Removal of the Government to Austin.*

The removal of the archives, etc., preceded that of the chief officials. No incident worthy of note appears to have attended the

¹*House Journal*, 3 Tex. Cong., 340, 341, 362, 371, 378, 384, 386; *Senate Journal*, *ibid.*, 114, 116, 119.

²*Laws of the Republic of Texas, Passed the First Session of Third Congress, 1839*, p. 90.

same. The following brief paragraphs contain all the information the writer has found touching the transfer:

In about twenty days, that is about the first of September, says common report, the officers of the government and the public archives will be on their "winding way" to the new city of Austin. Well, we have one consolation left, and that is, that we have done everything we could to prevent it, but it was of no avail.¹

Between forty and fifty wagons freighted with the archives of the government, and books, papers, and furniture of the different Departments, have left here for the City of Austin, the new Seat of Government.²

By a gentleman from Austin we learn all government archives arrived at that city in safety, and that at the time of his leaving, all the offices of government were open for the transaction of business.³

President Lamar and a part of his cabinet followed later, reaching Austin October 17th. Their arrival was made the occasion for a grand celebration. An account of this interesting event is extracted from the first number of the first newspaper published at the new seat of government, the *Austin City Gazette* for October 30, 1839:

In accordance with previous arrangements, such of the citizens as were able to procure horses assembled at 11 o'clock, on the morning of the seventeenth, for the purpose of escorting his Excellency the President into town. The Honorable E. Waller was appointed Orator, and Captain Lynch and Mr. Alex. Russell were appointed Marshalls for the day. Col. E. Burleson, at the special request of his fellow-citizens, took command of the whole. All arrangements being completed, the cavalcade moved forward in the following order:—

Col. E. Burleson—General A. S. Johnston.
 The Marshalls.
 Citizen, Standard Citizen,
 bearing the motto on one side,
 "*Hail to our Chief,*"
 On the reverse,
 "*With this we live—*" [STAR] "*Or die defending.*"
 Orator of the day.
 Trumpeter.
 Citizens,—two and two.

¹*Morning Star*, August 13, 1839.

²*Colorado Gazette*, September 28, 1839, quoting from the [Houston] *Intelligencer*.

³*Telegraph*, October 9, 1839.

After proceeding about two miles beyond the city boundary they met his Excellency, accompanied by the Hon. L. P. Cook, Major Sturges, J. Moreland, Esq., Private Secretary and others. By a military movement, Col. Burleson reversed the order of march so as to place the Marshalls, Standard Bearer, and Orator, in the rear of the company. He then halted his command and drew them up in two parallel lines. As General Lamar passed down between the lines, the Orator of the Day, supported by the Marshalls, and followed by the Standard Bearer, moved up and met his Excellency about the center. The Hon. E. Waller, having introduced the President to the citizens there present, addressed him in the following language:

"Having been called upon, by my fellow-citizens, to welcome your Excellency on your arrival at the permanent seat of government for the Republic, I should have declined doing so on account of conscious inability, wholly unused as I am to public speaking, had I not felt that holding the situation here that I do, it was my duty to obey their call. With pleasure I introduce you to the Citizens of Austin; and, at their request, give you cordial welcome to a place which owes its existence, as a city, to the policy of your administration.

"Under your appointment, and in accordance with your direction, I came here in the month of May last, for the purpose of preparing proper accommodations for the transaction of the business of the Government. I found a situation naturally most beautiful, but requiring much exertion to render it available for the purposes intended by its location. Building materials and provisions were to be procured when both were scarce; a large number of workmen were to be engaged in the low country, and brought up in the heat of summer, during the season when fever is rife, and when here, our labors were liable every moment to be interrupted by the hostile Indians, for whom we were obliged to be constantly on the watch; "*many-tongued Rumor*" was busy with tales of Indian depredations, which seemed to increase, in geometrical progression, to her progress through the country. Many who were on the eve of emigrating, were deterred by these rumors from doing so. Interested and malicious persons were busy in detracting from the natural merits of the place; and every engine of falsehood has been called into requisition to prevent its occupation for governmental purposes. Beauty of scenery, centrality of location, and purity of atmosphere, have been nothing in the vision of those whose views were governed by their purses; and whose ideas of fitness were entirely subservient to their desire for profit.

"Under all these disadvantageous circumstances, and more which I can not now detail, a capitol, a house for the chief magistrate of

the republic, and a large number of public offices, were to be erected and in readiness for use in the short space of four months.

"Not discouraged at the unpromising aspect of affairs, I cheerfully undertook to obey your behests. Numbers of the present citizens of Austin soon emigrated hither; and with an alacrity and spirit of accommodation for which they have my grateful remembrance, rendered us every assistance in their power.

"To the utmost extent of my abilities I have exerted myself, and have succeeded in preparing such accommodations as, I sincerely hope, will prove satisfactory to your Excellency, and my fellow-citizens of Texas.

"In the name of the citizens of Austin, I cordially welcome you and your cabinet to the new metropolis; under your fostering care may it flourish; and aided by its salubrity of climate, and its beauty of situation, become famous among the cities of the new world."

His Excellency the President replied in a short but pithy and appropriate speech; and, after the cheering had somewhat subsided, the company was again put in motion, the march being directed homeward. As soon as his Excellency crossed the city line, a salute of twenty-one guns was fired from a six-pounder, under the superintendence of Major T. W. Ward. On reaching Mr. Bullock's hotel, where a sumptuous dinner was prepared for the occasion, a large concourse of citizens who had been unable, from want of horses or harness, to join in the cavalcade, stood ready to tender every mark of respect in their power, to the chief magistrate of the Republic.

THE DINNER.

James Burke, Esq., President; Dr. R. F. Brenham, Vice-President.

Among the guests who were present, we observed His Excellency the President, Col. E. Burleson, Hon. L. P. Cook, Secretary of the Navy; Gen. A. S. Johnston, Secretary of War; Hon. J. H. Starr, Secretary of the Treasury; A. Brigham, Esq., Treasurer; Col. W. G. Cook, Col. J. Snively, Major Sturges, J. Moreland, Esq.; C. Mason, Esq.; M. Evans, Esq.; Col. Johnson, Col. T. W. Ward, and others.

The company took their seats at table, at 3 o'clock. The dinner provided under the immediate superintendence of Mrs. Bullock, reflected great credit on that lady's taste and superior judgment, displayed in the arrangement of the table, and in the delicacies which graced the festive board. After the cloth was removed, the President of the day requested the attention of the company to a toast "which, he felt assured, would meet with the cordial approbation of every person whom he had the honor of addressing," he then gave, as the

1ST REGULAR TOAST. Our Guest, Mirabeau B. Lamar, President of the Republic of Texas:—His valor in the field of battle signally contributed to the achievement of Texian independence—his wisdom as a statesman has given vigor and firmness to our government, and elevated its character abroad;—his lofty patriotism and distinguished public services command the admiration and gratitude of his fellow-citizens.

Which was drank with the utmost enthusiasm. As soon as the cheering had somewhat subsided, His Excellency made a truly eloquent reply, which, we are sorry, it is not in our power to give entire, or even in part. He concluded by requesting the company to join in the following toast, which was heartily responded to by all present:—

The worthy founder of our new seat of government, Judge Waller:—By the touch of his industry there has sprung up, like the work of magic, a beautiful city, whose glory is destined, in a few years, to overshadow the ancient magnificence of Mexico.

The presiding officers then gave the remainder of the regular toasts in the order as follows:

2. Our country:—The star of her destiny has emerged from the clouds that obscured it, and is now fixed in the political firmament; may its luster continue undimmed by foreign aggression or domestic dissension.

3. The Constitution and the Laws—the vital spirit of the body politic:—Whilst they are maintained pure and uncontaminated by political corruption, Liberty and Justice have here an abiding place.

4. The United States:—Their history for the last sixty-three years has disproved the false doctrine of tyrants, and show[n] to the world that man is capable of self-government.

5. The Hon. David G. Burnet, Vice-President of Texas:—The history of his country is his best eulogy; he has “done the state some service and they know it:” we can say to him in the spirit of truth and justice, and in the voice of the whole people of Texas, “Well done thou good and faithful servant.”

6. The memory of Stephen F. Austin:—Whatever may be the pretensions of others to the paternity of Texas, we recognize him alone as the “Father of this Republic.”

7. Education—the safeguard of republican institutions:—It should be sustained and cherished by every friend of civil liberty.

8. The Press:—May it be conducted in the spirit of disinterested patriotism, as the honest echo of the public sentiment, and never be polluted by the poisonous influence of party.

9. Col. E. Burleson:—His valor in the field is only equalled by his virtues in private life. In the history of his country, he will rank as the Sumter of the West.

10. The Federalists of Mexico:—May they speedily triumph over the despotic party which now keeps their country in civil war, and give the tree of Constitutional Liberty a firm foundation in the city of the Montezumas.

11. Agriculture:—The surest foundation of our permanent prosperity;—may it share largely in the industry and energy of our citizens, and be an object of paramount importance with our legislators.

12. Trial by Jury and Right of Suffrage—the main pillars of free government:—Whilst they stand upright, firmly based on public virtue, the malign influence of despotic governments cannot reach the glorious edifice they sustain.

13. The memory of Col. Benjamin Milam—the bayard of Texas:—A more gallant spirit never sprung from the “dark and bloody ground” of Kentucky, to battle in the cause of human liberty; as long as honor, patriotism and valor are appreciated by his countrymen, he will be gratefully remembered as the Hero of the West.

The regular Toasts having been drunk, the following was then given by the Chair:—

David G. Burnet—In private life, the obliging neighbor, the public spirited citizen, the devoted husband, the affectionate father, —In public service, the sagacious statesman, the wise and disinterested politician, the able Cabinet officer—the bold and courageous soldier—his country’s voice loudly and almost unanimously calls upon him to fill the Presidential Chair during the next term.

After which Dr. Brenham, Vice-President gave:

The Government of Texas:—May it always be administered by honest and capable men for the interests of the whole people, and never be used as an instrument in the hands of unprincipled and designing politicians for personal aggrandizements and the advancement of party purposes.

Different members of the Company assembled then offered a number of *Volunteers’ Toasts and Sentiments* from which the following have been selected:—

By Dr. M. Johnson—*The Single Star of Texas*:—It is small but bright, and may it one day be the sun around which the Spanish Provinces will revolve.

By E. Waller—*The Hon. Louis P. Cook*:—In the Legislature he always defended the rights of the people watchfully and with eloquence, at the head of the Navy Department, his course has been distinguished by energy, impartiality, modesty and talent; may he find his country grateful.

By Mr. Bontreat—*The Lone Star*:—Now on its ascent, may it soon reach the zenith and there shine the brightest in the firmament.

By M. H. Nicholson — Col. E. Burleson—*The North-western Champion of Texas*:—He has stood like a dyke on our frontier nobly repelling the tide of savage depredation.

By Dr. Johnson—*The President and his Cabinets*:—We can have no greater evidence of the wisdom and honesty of our Chief Magistrate than the selection of his Cabinets.

By Maj. W. J. Jones—*The Star of Texas* —Like the Star of Bethlehem, it will guide the wise men of all nations to the cradle of Liberty.

By John Jarmon—*To the Heroes of Texas*:—Honour to those noble spirits, who fought, bled and suffered for the cause of freedom in the revolution of Texas.

By E. Waller—*Hon. James Webb*:—His adopted countrymen are proud of him. He has filled and still fills a high office with abilities, dignity and rectitude. May he one day be called to the highest office.

By J. Jarmon—*President Lamar*:—As chief servant of the people, he has thus far discharged his duties with honor to himself and justice to the whole Republic. His name shall be handed down as one of the great western stars.

By J. McLeod—*Our Treasurer, Maj. A. Brigham*:—An honest man is the noblest work of God.

By G. W. Bonnell — *The People of Texas*:—They know their rights, and knowing, dare maintain them.

By G. W. Moore — *Our Infant Republic*:—She will soon be recognized and well known throughout the world.

By a Citizen—*Judge E. Waller*:—He has wisely improved the talent entrusted to him, may he ore day be entrusted by the people with the greatest in their gift.

By Charles Schoolfield—*The City of Austin*:—The Commissioners who were appointed by Congress to select a site for the seat of government: justice to their selection and honor to their judgment.

By T. G. Forster—*The President of Texas*:—Our skillful MECHANIC.—may we never have a worse CABINET-MAKER.

By a Citizen—*The Press of Texas*:—May it ever continue elevated in its moral tone—pure and disinterested in its patriotism—the unwavering advocate of the true interests of the country, without regard to party.

By a Citizen—*Education*—the safeguard of our republican institutions:—It deserves to be fostered and promoted, by every friend of liberty.

By a Citizen—*Female Education*—the only security for the permanence of female charms:—May all the true friends of the fair sex be ever found zealous in its promotion.

By M. H. Beaty—*E. Moore, Commander of the Texian Navy*—“Texas expects him to do his duty.”

By Dr. S. Booker—*Wm. G. Cook*:—His services will be remembered as long as Texas shall appreciate chivalry and patriotism.

By T. G. Forster—*Maj. Wm. J. Jones*:—Brave among the bravest, wise among the wisest, and a man among men.

By a Citizen—*Sam Houston and San Jacinto*:—They will be remembered as long as Texas possesses a single freeman.

By a Citizen—*General A. Sidney Johnston*:—A scholar, a soldier, and a gentleman; the highest qualities a man can possess.

His Excellency rose from the table about 8 p. m., and the company, soon after, dispersed; all, apparently, highly pleased with the entertainment of the day.

(3) *The Site Confirmed by the Fourth Congress.*

A feeble and unsuccessful effort was made to involve the new seat of government in the September elections.¹ It was also predicted that congress would not hold its session at this place. For instance, the *Morning Star* of June 20, 1839, said:

Not one of the most sanguine friends of the new location has ever expressed, in our hearing, his belief that the next congress would hold its session there. The prevailing opinion is, that the members will *assemble* there and adjourn to this place.

If the thought of adjourning to Houston was entertained by any of the members of congress, their plans were completely frustrated by the breaking out of yellow fever in that city some time prior to the assembling of congress.²

The fourth congress assembled at Austin on the second Monday in November; a quorum was had in both houses on the first day. On assuming the chair in the senate, Vice-President Burnet said:

I cannot on this interesting occasion omit congratulating you on the new scenes which surround us.

The selection of an appropriate site for the permanent location of the Govt has long been a subject of general concernment, involving deep and various solicitudes throughout the community. To those who consulted only the common good, it was replete with interest and anxiety, because of the inherent difficulty of choosing among so great a multitude of seemingly eligible positions as our country affords. That the selection of this beautiful and pictur-

¹*Morning Star*, April 15 and August 1, 1839.

²*Colorado Gazette*, November 9, 1839; Anson Jones, *Republic of Texas*, 22; Statement of Francis Moore, Jr., in Weeks, *Debates of the Texas Convention* [1845], p. 206.

esque spot, fit residence of the fabled Hygeie, will quiet all apprehensions, and satisfy all persons, is more than the most enthusiastic advocates can expect. That it will fulfill, in an eminent degree, the great purposes of its selection can scarcely be questioned; provided the government itself will exert the necessary means to render it, as it ought and may be easy of access to all sections of the Republic. Having no private interest to subserve, either by changing or continuing the present location I feel a freedom in remarking, that frequent removals of the seat of government are not only costly, and otherwise injurious in our domestic concerns, but are apt to excite suspicions abroad of instability in the government itself. . . .¹

President Lamar also referred to the subject in his message, read next day, November 12th. After recounting the difficulties attending the removal, he said:

I have great pleasure in meeting the Representatives of the people for the first time assembled at the permanent Seat of Govt. The act of the last Congress directing the removal of the Public Archives from the City of Houston was an expression of legislative will too decisive to permit me one moment to falter in carrying it out. Arrangements were accordingly made immediately after the adjournment for the survey of the City of Austin and the erection of the necessary offices and public buildings, to be commenced so soon as the commissioners chosen to select the site should have made their report. The time allowed for the work was so exceedingly limited as to render its accomplishment apparently impracticable; yet I am happy in having it in my power to announce to you, that the agent appointed to superintend the undertaking, did succeed, by extraordinary energy, in preparing such accommodations as have enabled the officers of Govt. to resume their duties at the new city on the first of October as directed by law, with very little inconvenience to themselves, and no derangement of the public business beyond its temporary suspension. . . .

I congratulate you, gentlemen, and the country in general, that a question which has so deeply excited our National Legislature has thus been put at rest; and sincerely hope that no similar subject will arise in future to abstract your attention from the harmonious consideration of such matters of general & local policy as may be regarded essential to the prosperity of the nation. That the selection of the site now occupied will command universal approbation, is not to be expected. A diversity of opinion upon such subjects is the unavoidable result of the diversity of interests and local

¹*Senate Journal*, MS., November 11, 1839. State Department.

prejudices which must necessarily exist in a country so widely extended as ours; but its geographical position, the apparent healthfulness of its climate, the beauty of its scenery, the abundance and convenience of its material for constructing the most permanent edifices, its easy access to our maritime frontier, and its adaptation to protection against Indian depredation, thereby inviting settlements to one of the finest portions of our country, [afford] ample proofs of the judgment and fidelity of the commissioners, and abundant reason to approve their choice. That you and others will experience some privations which might have been spared if the location had been made in a section of the country of greater population and improvement is certainly true; but I cannot believe that a people who have voluntarily exchanged the ease & luxuries of plentiful houses, for the toils & privations of a wilderness will repine at the sacrifice of a few personal comforts which the good of the nation may require of them.¹

The opponents to the new site, however, were not to be placated with fair words; they must have their say, and it took the form of the following bill, which was introduced in the house of representatives by Mr. Lawrence, of Harrisburg,² who had in the January preceding at Houston thoroughly identified himself with the opposition:

A Bill to be entitled An Act for the temporary location of the Seat of Government.

Whereas much clamor, and excitement prevails [throughout] the body politic, in relation to the location of the Seat of Government, and

Whereas believing it to be a duty incumbent upon us, as the Representatives of the people, to consult their views and subserve their interests with a due regard to those principles of economy, which should ever characterize the Legislation of a free people, and

Whereas being impressed with a solemn conviction of the evils which have arisen, and which must inevitably arise from the present unsettled state of this perplexing and all-absorbing question, for remedy whereof

Section 1st Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That on the fourth Monday in May in the year of our Lord one thousand, eight hundred and forty, it shall be the duty of the qualified voters

¹Lamar's Message, in *Senate Journal*, MS., State Department.

²*House Journal* as printed in the *Austin City Gazette*, January 1, 1840. The Journals of the Fourth Congress were never printed. The Senate Journal has been preserved in manuscript in the Department of State, but the Journal of the House of Representatives appears to have been lost.

for members of congress in the several counties of the Republic, to assemble at their respective places of holding elections for members of congress, for the purpose of temporarily locating the seat of Government, for the term of twenty five years, from and after the close of the first session of the fifth annual congress of this Republic—when and where it shall be their duty to select by ballot, as between the City of Austin and the site at the great falls of the Brazos River, which was condemned by the commissioners elected by the third annual congress of this Republic for the location of the seat of government, to be known and voted for as the City of Texas.

[Sections 2 and 3 provided for the manner of holding the election and publishing the result of the vote.]

[Sections 4 to 13 are very nearly a verbatim copy of the act under whose provisions Austin had been selected. See pages 50 and 51 above.]¹

The bill was called up November 28, made the order of the day for December 2, and then debated for three days.² Sam Houston was a member of the house, and the journal notes the fact that he “strenuously advocated the bill.”³ General Houston’s opponents, or rather the supporters of the city of Austin, stated that it was “his declared determination to effect the removal of the Seat of Government from Austin,—even should it cause a *division* of the Republic.” . . . His supporters took exception to this statement of his position, and declared that he used the following language: “If some respect is not paid to the east, if the present location of the Seat of Government is persisted in, it [will ca]⁴use much evil—even a division of the Republic—it should be [. . .]⁴ forever set at rest—it should be referred to the people, for them to decide at the ballot box.”⁵

Mr. Muse, of Nacogdoches, spoke along similar lines; he said:

He had heard something of the doctrine of nullification in the United States; and why the excitement produced there upon the subject? Because a portion of the States considered their rights trampled under foot by national legislation, though not by the intrigery of a small minority, but an almost unanimous voice; yet . . . they rose in all their majesty of state pride, with a de-

¹File 1217, Papers of 4 Tex. Congress, MS., State Department.

²*House Journal*, in *Austin City Gazette*, January 15 and 22, 1840.

³*Ibid.*, January 22, 1840.

⁴Words torn off.

⁵*Austin City Gazette*, April 8, 1840.

terminated resolution, stood forth so as to bring about a modification of their injuries. Suppose the injury complained of had affected two-thirds or three-fourths of the people of that nation, what must have been the consequences? None will deny but that the national authorities would have been overturned. . . . Though South Carolina was but one State, she asserted her rights against the other twenty-three. Will not eastern and central Texas do the same, when they are composed of more than two-thirds of the population of Texas, all of whom are enraged at the outrage committed upon their rights, and upon the general interest of their adopted country, to serve the interest of the few, and of a particular section? Will they quietly and calmly submit, or will they assert their rights? . . .¹

The debate was finally terminated, when Mr. Menifee, one of the commissioners that located the seat of government, moved to strike out the enacting clause. This motion was carried by a vote of 21 to 16;² it was cast on strictly sectional lines.

The handsome vote with which the bill for reopening the question of the location of the seat of government was disposed of, after the thorough discussion it had received, created the impression that the subject would now be permitted to rest. "It is to be hoped," writes Mr. Holmes, representative from Matagorda, "that this vexatious and exciting question will now be considered settled, and that it will not be revived or agitated for many years to come. Judging from the opinions expressed by the members from the East at the opening of congress, I am fully convinced that a large majority of the citizens of Eastern Texas are satisfied if not pleased with the present location, and that they will suffer the question to rest in peace."³ This idea of permanency was reinforced by the passage of "An Act to authorize the erection of Government Buildings"; viz., a building intended for the use of the State Department and General Land Office which was to be of stone and as nearly fire-proof as possible.⁴ A traveler writes at Austin on January 12, 1840, "Should the seat of government remain permanently fixed in this place, which is now highly probable, this whole region must

¹*Austin City Gazette*, April 8, 1840.

²For the "Yeas" and "Nays," see *Austin City Gazette*, January 22, 1840.

³E. L. Holmes to Editor of the *Colorado Gazette*, December 19, 1839, printed in the *Colorado Gazette*, January 11, 1840.

⁴Act approved January 28, 1840.

soon smile . . . with plenty.”¹ Anson Jones, senator from Brazoria, after congress adjourned, remained in Austin, married, built a house on Pecan street, “and spent the summer principally in making improvements on [his] place.”²

¹*Texas in 1840, or the Emigrant's Guide to the New Republic*, 65; Edward Stiff, *The Texas Emigrant*, 33.

²Anson Jones, *Republic of Texas*, 22.